Council Building 2 High Street Perth PH1 5PH

Monday, 20 May 2019

A Meeting of the Licensing Board will be held in the Council Chamber, 2 High Street, Perth, PH1 5PH on Thursday, 30 May 2019 at 10:00.

LISA SIMPSON Clerk of the Licensing Board

Those attending the meeting are requested to ensure that all mobile phones and other communication devices are in silent mode.

Members:

Members of Licensing Board C Elliott S Douglas

Thursday, 30 May 2019

MEMBERS ARE REMINDED OF THEIR STATUTORY DUTY TO DECLARE ANY DIRECT OR INDIRECT FINANCIAL INTEREST THEY MAY HAVE IN ANY ITEM ON THIS AGENDA

1	WELCOME AND APOLOGIES	
2	DECLARATIONS OF INTEREST	
3	MINUTES OF 25 APRIL 2019 FOR APPROVAL AND SIGNATURE	5 - 24
4	30 MAY 2019 AGENDA	25 - 28
5	PREMISES LICENCE APPLICATIONS	
5(i)	MUIRTON SHOP	
5(ii)	ROSEBANK HOUSE	
5(iii)	THE OLD MANSE OF BLAIR.DOC	
6	PROVISIONAL PREMISES LICENCE APPLICATION	
6(i)	DUNKELD WHISKY BOX	
7	VARIATION (MAJOR) APPLICATIONS	
7(i)	BREWDOG	
7(ii)	THE STAR HOTEL	
8	PERSONAL LICENCE REVIEW	

8(i) CRAIG LOUDON

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Minutes of Statutory Meeting of the Licensing Board

Held on 25 April 2019

Present:-

Councillors Baird; Jarvis; Anderson; Brock; Duff; Gray; James; Pover; and Wilson.

Councillor Baird presiding.

Also present: Colin Elliott, Depute Clerk to the Licensing Board; Louise Cormack, Licensing Standards Officer

1. <u>INTRODUCTIONS</u>

The Convenor introduced those present.

2. <u>DECLARATIONS OF INTEREST</u>

There were no declarations of interest. Councillor James advised that in terms of Item 6 - 44, 44 Atholl Street, he is a forces veteran but was not declaring an interest in that matter.

3. MINUTES

The Minute of the Meeting of 14 March 2019 was submitted and approved as a true record and authorised for signature.

4. PREMISES LICENCE APPLICATION

Premises	Applicant	Decision
Glenshieling House Hotel Hatton Road Blairgowrie PH10 7HZ	Firm of Glenshieling House	Grant subject to mandatory conditions.

5. <u>MAJOR VARIATION APPLICATIONS</u>

Premises	Applicant	Decision
Black Watch Bank Street Aberfeldy PH15 2BB	Greene King Retailing Limited C/O TLT LLP 140 West George Street Glasgow G2 2HG	Grant subject to amending the premises licence as follows: Operating Plan 2 Amend the terminal hour as follows: Monday 12 midnight Tuesday 12 midnight Wednesday 12 midnight 5 Amend as follows: Live performances YYY Dance Facilities YYY Box after 5(e) Add additional paragraph as follows: "Dancing facilities, live performances and recorded music may take place in extended hours granted by

		the board's seasonal variations policy."
		5(g) Amend to N/Y
		Conditions
		Conditions
		Revise the last paragraph of local condition 1 as follows:
		(1) When functions take place, the provision of alcohol
		is ancillary to the function. No general public entry
		is permissible and entry should be limited and
		controlled. The bar for the premises or parts of
		premises utilised for a function shall be closed
		such that no alcohol is sold for 30 minutes prior to
	<u> </u>	the commencement of the function.
Knockendarroch House	Speybank Ltd	Grant subject to amending the premises licence as
Hotel		follows:
2 Higher Oakfield Pitlochry		Premises Licence
Perthshire		1 Terrises Licerice
PH16 5HT		Amend the name of the premises to 'Knockendarroch
		Hotel':
		Add to the premises licence holder details, company
		number, 'SC277631.';
		Amend Description of Premises to read:
		'Knockendarroch House has 14 bedrooms
		contained in a 'C' listed building within 2 acres of
		private grounds on Higher Oakfield in central
		Pitlochry. There is no bar at the hotel and alcohol is served to resident guests and a small number of
		non-resident diners only. The building was built
		c.1890 and is of a traditional stone/brick
		5.1555 and 16 of a traditional otomorphist

construction, timber floors with a pitched roof. Approximate floor area c.770m2 gross.'
Operating Plan
5 Amend as follows: Restaurant facilities YYN 6(b) Amend to read:
'Children and young persons must be accompanied at all times by an adult, whether resident guests or non-resident diners.' 6(c) Amend to read:
'There is no age limit regarding children or young persons being allowed entry subject to them being accompanied at all times by an adult.' 6(d) Amend to read:
'Resident children and young persons – 24 hours. Non-resident children and young persons – 11am – 11pm.'
6(e) Amend to read: 'Resident children and young persons – lounge, restaurant, reception and outside areas, as well as guest bedrooms and guest corridors. Non-resident children and young persons – lounge, restaurant, reception and outside area.'
7 Amend to '34 persons – 28 resident guests with the balance being non-resident diners.'
<u>Layout Plan</u>
Amend location and layout plans as sought.

Owners and Trainers	Heritage Portfolio Limited	Motion (Councillors Baird and Anderson) Grant subject
Restaurant	C/o John Gaunt & Partners	,
		to amending the premises licence as follows:
Perth Racecourse	Omega Court	
Scone Palace Park	372 - 374 Cemetery Road	Premises Licence
Scone	Sheffield	
Perth	S11 8FT	Remove 'Owners and Trainers Restaurant' from the name
PH2 6BB		of the premises;
		Delete Description of Premise and insert instead:
		'A horse racing venue located to the North of the
		City of Perth within the Scone Palace Parklands.
		On both race day and non-race days the
		racecourse offer hospitality facilities for a range of
		clients across the racecourse and its licensed
		buildings.'
		bananige.
		Operating Plan
		2 Amend terminal licensed hours as follows:
		Monday 12 midnight
		Tuesday 12 midnight
		Wednesday 12 midnight
		Sunday 12 midnight
		4 Delete existing and insert instead:
		'These unique premises are only open when
		functions, events or race days are taking place.
		Festive social demand hours and festive function
		hours per Board policy.'
		5 Amend as follows:
		Accommodation Y
		Gaming YYN
		Box after 5(e) Delete existing and insert instead:
		'Conference facilities, Restaurant Facilities, Bar
	1	2 371107 07100 Tabillia00, 1 Nobilatini Tabillia00, Dal

meals, receptions, Club meetings, recorded music, live performance, dance facilities, theatre, film, indoor / outdoor sport, televised sport, may be provided before core hours or during functions as reasonably required to meet customer demand. These activities may start out with the core hours but not normally before 08:00hrs e.g. conference facilities, restaurant facilities and bar meals may also be available (e.g. for breakfasts); receptions including weddings, funerals, birthday, retirement, anniversary or other social or party events; club or other group meetings. Entertainments prior to the commencement of core hours would be ancillary to a private event or function taking place at the venue. Activities taking place after the end of core hours will also be ancillary to a private event or function taking place at the venue, within function hours.

The outside areas may be made available before core hours, but not normally before 08:00hrs.' Delete existing and insert instead:

'The most well-known use of the premises is as Perth Racecourse. There are approximately 16 individual race days per calendar year. When a race day takes place, all buildings and licensed outdoor areas can be in use. Up to 10,500 persons, not including staff and jockeys, can be in attendance. Race days take place within social demand (core) hours except there may be a function within a building that may extend into

5(f)

function hours. Entry is limited and controlled for that function and is ancillary to the race day. On race days, those in the centre course outdoor licensed areas can access the Main Grandstand licensed area by crossing the race course at the central crossing point. Use of that point is controlled by registered stewards. Mobile bars may be located and operated in the outdoor licensed areas during race days.

The premises are also used for single use, pre-booked events that can take place within any of the licensed buildings, within a temporary marquee or in the outdoor licensed areas. Those events can take place within social demand (core) hours and, where they are an appropriate qualifying function per Board policy, can go on into function hours. Functions enjoying later function hours generally take place within but are not limited to the Nelson Stand; the Owners and Trainers Bar; the Last Ditch Bar; the Long Bar; and the Winning Post Bar. More than one event can take place on the licensed premises at the same time out with race days, however, that is on rare occasions and is carefully managed.

There is no general public entry. Entry by the public is limited and controlled, usually by way of a ticketed and/or pre-booked

event or race day. All licensed areas are enclosed by a physical barrier with restricted access.

The outdoor licensed areas are used by customers as needed. This is an ancillary facility for the premises and is used for food, drink, and meeting places and for such related activities such as photo shoots for parties. On race days or outdoor event days, only plastic cups are issued by the Operator for use in external areas.

On race days or outdoor event days, staff members may be mobile in the external areas selling a range of alcoholic beverages carried with them.

Outdoor licensed areas are not used during function hours save as part of the premises smoking solution.

Function hours per Board policy.

Off sales are principally required to allow customers consuming wine to take away with them (with a proper seal in place) the remnants of their bottle if not completed while at site, the Operator anticipates this will be a rare occurrence. Traditional off sales do not take place save for occasional events where a market or

similar event is hosted at site e.g. a 'Farmers Market'

Internal activities – quiz nights, club race nights, meeting rooms, cabarets, discos, karaoke, psychic nights, hypnotists etc.

External activities – horse racing, car and other product launches, flexible outdoor-product areas, loading bay entrances for large exhibitions, open air concerts, firework displays, open air BBQs, etc.

Both internal and external activities – there are betting facilities on the site provided by a third party. Auctions, charity functions, exhibitions, roadshows, civil wedding ceremonies, training events, team building activities and motivational activities, presentations, showcases, event planning, family days, craft fairs, concerts, antiques, and fine art fayres, themed nights, face painters, magicians, children's play area etc.

During events, usually race day meetings, additional temporary bars may be erected within the grounds of the race course, as described on deposited plans including, but not limited to, additional marquee space.

Triangular (picnic area) outdoor area opposite the main licensed area may be used for up to 10 nights per year for overnight accommodation for camping, caravans, motorhomes etc. Alcohol

<u> </u>	
	may be provided as an event throughout all of the licensed premises but only within social demand (core) hours.' 5(g) Amend to 'NO/NO' 6(e) Delete existing and insert instead: 'Children and young persons will be allowed access to all public parts of the premises but not allowed to remain at, or immediately adjacent to, any bar when it is being used for the sale of alcohol.'
	7 Delete existing and insert instead:
	'On- Sale – 10,500 (whole site including buildings, grounds and external drinking areas)
	Specific Internal Building Capacities:
	 Plan 2393/2 - Last Fence Marquee

Plan 2393/12 - Winning Post Bar-100 Off-sales - nil' Layout Plan Amend layout plans as sought. **Conditions** Add all late night opening mandatory conditions. Add local condition as follows: (1) Written policies shall be in place for the premises and immediate external area and shall be implemented by the premises licence holder and all staff involved in the sale and consumption of alcohol, all to the continuing satisfaction of the Board, for: the training and supervision of staff involved (i) in the sale and consumption of alcohol, including training on the terms of this premises licence and all relevant policies (ii) the control and management of race days, including the location of, the setting up and operation of mobile bars; the number of personal licence holders to be on duty; the number of staff to be on duty; and the

		number of registered stewards to be on duty (iii) the control and management of events other than on race days, including the number of personal licence holders to be on duty; the number of staff to be on duty; and the number of registered stewards to be on duty (iv) noise mitigation (v) dispersal of patrons (vi) not serving drunk persons (vii) litter and waste management (viii) preventing the purchase and consumption of alcohol by or for a child or young person
		Motion: For – 8 votes; Against – 1 vote. Councillor James did not agree with the local condition.
The Venue 38 St. John Street Perth PH1 5SP	The Venue (Perth) Ltd	Determined in accordance with the Motion. Grant subject to amending the premises licence as follows: Premises Licence
		Amend Description of Premises to read as follows: "LARGE CITY CENTRE PREMISES OVER TWO FLOORS OFFERING TRADITIONAL PUBLIC HOUSE FACILITIES, WITH FUNCTION AND NIGHT CLUB AVAILABILTY OVER BOTH FLOORS. PREMISES SPECIALISE IN QUALITY SPIRITS, BEERS AND COCKTAILS AND ALSO INCORPORATE OUTDOOR PAVEMENT CAFÉ WITH A SIGNIFICANT FOOD MENU

BEING AVAILABLE IN ALL AREAS".

Operating Plan

- Amend the terminal hours as follows:
 Monday 12.00am
 Tuesday 12.00am
 Wednesday 12.00am
- Delete existing narrative and insert instead:

 "FESTIVE SOCIAL DEMAND (ALL AREAS),
 FESTIVE FUNCTION (ALL AREAS), FESTIVE
 ENTERTAINMENT HOURS (ALL AREAS) PER
 LICENSING BOARD POLICY"
- 5(f) Delete paragraphs 2, 3, 4 and 5 and insert instead: "ALL INDOOR AREAS CORE HOURS (SOCIAL DEMAND), FUNCTION AND SIGNIFICANT ENTERTAINMENT HOURS ALL AS PER LICENSING BOARD POLICY. WHERE ANY AREA HAS BEEN USED FOR CORE HOURS (SOCIAL DEMAND) THAT AREA SHALL BE CLEARED OF PATRONS FOR 30 MINUTES BEFORE THE COMMENCEMENT OF ANY FUNCTION OR ENTERTAINMENT. WHERE AN AREA IS USED FOR A FUNCTION THAT AREA SHALL BE CLEARED OF PATRONS 30 MINUTES BEFORE THE COMMENCEMENT OF ANY SIGNIFICANT ENTERTAINMENT".

Conditions

Amend local conditions as follows:

(1) Amend to read as follows: "THE OUTSIDE AREA SHALL BE OPERATED IN ACCORDANCE WITH THE LICENSING BOARD POLICY ON PAVEMENT CAFES." Amend to read as follows: (5) "THE PROVISION OF ALCOHOL IN ANY AREA WHEN **OPERATING** AS **PUBLIC** ENTERTAINMENT VENUE IS ANCILLARY TO THE ENTERTAINMENT PROVIDED." Amend to read as follows: "THE ENTERTAINMENT PROVIDED IN ANY AREA MUST BE ON A CONTINUOUS BASIS WITH BREAKS OF NOT MORE THAN 15 MINUTES IN ANY HOUR." Amend to read as follows: (7) "FOR ANY AREA OPERATING AS A PUBLIC ENTERTAINMENT VENUE, THERE SHALL BE A MINIMUM ENTRY CHARGE WHICH SHALL BE FIXED BY THE LICENSING BOARD EACH YEAR BEGINNING 1ST JULY AND ENDING 30TH JUNE. FOR THE PURPOSE OF FIXING THE MINIMUM ENTRY CHARGE, THE BOARD SHALL **TAKE** INTO **ACCOUNT** ANY REPRESENTATIONS FROM THE LICENCEES OF SUCH PREMISES. WHEN OPERATING AS A PUBLIC ENTERTAINENT VENUE, PATRONS WHO HAVE PAID THE ENTRY CHARGE FOR ONE AREA SHALL BE PERMITTED ACCESS TO ALL OTHER SUCH AREAS WITHOUT PAYING A FURTHER ENTRY CHARGE." (11) Amend to read as follows:

	T	WALLEY DIDIO EVEDTANATEDE TANGE
		"WHEN PUBLIC ENTERTAINMENT TAKES
		PLACE, WHETHER THROUGHOUT THE ENTIRE
		PREMISES OR ONLY PARTS OF THE
		PREMISES, THE DOOR SUPERVISORS
		CONTROLLING ACCESS WILL USE CLICKERS
		TO COUNT PATRONS IN AND OUT. IN ORDER
		TO CONTROL ACCESS BY PATRONS WHEN
		THE ENTIRE PREMISES IS NOT BEING USED
		FOR PUBLIC ENTERTAINMENT, THE
		MANAGEMENT OF THE PREMISES WILL ISSUE
		TICKETS OR STAMPS TO PATRONS ONCE
		ENTRANCE CHARGES HAVE BEEN PAID.
		THESE TICKETS OR STAMPS WILL DICTATE
		WHICH PARTS OF THE PREMISES THEY ARE
		ENTITLED TO HAVE ACCESS. FOR CLARITY,
		NO SUCH TICKET OR STAMP WILL BE
		REQUIRED WHERE ENTIRE PREMISES IS
		BEING USED FOR PUBLIC ENTERTAINMENT."
		(15) Amend to read as follows:
		"BETWEEN THE HOURS OF 11PM AND 7AM,
		NO NOISE BY WAY OF MUSIC WHETHER
		AMPLIFIED OR NOT OR SINGING AND SPEECH
		EMANATING FROM THE PREMISES SHALL (i)
		EXCEED 31dB or 10dB ABOVE THE
		UNDERLYING LEVEL, OR (ii) FOR LOW
		FREQUENCY, EXCEED 47dB in 63Hz BAND
		AND/OR 41dB in 125Hz OCTAVE BANDS IN ANY
		NEIGHBOURING PROPERTY."
Tower Hotel	The Sirple Ltd	Grant subject to amending the premises licence as
East High Street	C/o Inn Business	follows:
Crieff	(Scotland) Limited	10.00
PH7 3JA	Forsyth House	Operating Plan
	1. 0.0, 1.0000	operating : Tall

Lomond Court Castle Business Park Stirling FK9 4TU	4 Delete existing and insert instead:

Dance Facilities, Theatre and Films - as for Live performances. Indoor/Outdoor sports – pool, snooker, darts, skittles and other similar "pub" games and pastimes are available from 9.00am. Televised sport – sporting events from across the world, such as tennis, football, athletic events (Olympic Games, Commonwealth Games, World Championships), boxing matches shall on occasion be screened to residents and non residents but not after the terminal hour. Outdoor drinking facilities – non alcoholic refreshment will be available for consumption by residents and non residents in the outdoor drinking areas in the morning before licensing opening times but not after 10pm.' Add new paragraph as follows:-5(f) "Where a private function is taking place, the dining area will be a closed area for the purposes of the private function, however, attendees of the private function will require access to the Bar area to purchase alcohol." 5(g) Amend to 'NO/NO' 6(b) Delete existing and insert instead: 'The premises are considered suitable for the admission of children and young persons with childrens menus, soft drinks, high chairs, baby changing facilities and the like in place and available. Non resident: children shall be accompanied by an adult at all times. Non resident: young persons will not be required to

be accompanied by an adult. Residents: children will be required to be accompanied by a responsible adult after 8pm. Resident: young persons will not be required to be accompanied by an adult.' 6(c) Amend to read 'All ages' only. 6(d) Delete existing and insert as follows: 'Residents: Children and young persons will be allowed entry for the entire opening hours of the premises. Non residents: Children: Will be allowed entry until 8.00pm daily. Children taking a meal with an adult shall be permitted entry until 10.00pm. Young Persons Aged 16 and 17: Will be allowed entry until 10.00pm. Birthday Parties and Other Bona Fide Private Functions: The above rules may be waived on occasions where there is a sporting or other special televised event, birthday or similar bona fide private function supervised by a member of staff whereby children and young persons will be allowed entry during the entire core hours.' Delete existing and insert instead: 'All parts of the premises.' Add 'Off Sales - nil'. 7 Layout Plan Amend layout plans as sought

6. EXTENDED HOURS APPLICATIONS

Premises	Applicant	Decision
44 44 Atholl Street Perth PH1 5NN	Perthshire Glazing Co. Limited	Motion (Councillors James and Jarvis) Grant Amendment (Councillors Baird and Wilson) Refuse on the basis that the event applied for is not (i) a special event or occasion to be catered for on the premises, or (ii) a special event of local or national significance. The sale of alcohol for a breakfast club was not justified.
		Amendment – 5 votes; Motion – 4 votes. Determined in accordance with the Amendment.
Activities School Gleneagles Hotel Gleneagles Auchterarder PH3 1NF	The Gleneagles Hotel Limited	Granted

Meeting 30 May 2019 at 10:00 am in Council Chambers, Ground Floor, 2 High Street, Perth, PH1 5PH

Licensing (Scotland) Act 2005

New Grant(s)

	Premises	Applicant	Date Received	Comments	
1	MUIRTON SHOP	KKPP LTD	30 April 2019	Cited for 10am	
	115 DUNKELD ROAD	C/O MCCASH & HUNTER			
	PERTH	25 SOUTH METHVEN STREET			
	PH1 5BS	PERTH			
		PH1 5PE			
2	ROSEBANK HOUSE	THE PARTNERSHIP OF JAMES DUFF	2 May 2019	Cited for 10am	
	42 BALMORAL ROAD	AND AOIFE SHERIDAN			
	BLAIRGOWRIE				
	PH10 7AF				
3	THE OLD MANSE OF BLAIR	BLAIR ECOSSE MANAGEMENT LTD	10 April 2019	Cited for 10.30am	
	BLAIR ATHOLL				
	PITLOCHRY				
	PH18 5TN				

Meeting 30 May 2019 at 10:00 am in Council Chambers, Ground Floor, 2 High Street, Perth, PH1 5PH Licensing (Scotland) Act 2005

Provisional(s)

	Premises	Applicant	Date Received	Comments
4	DUNKELD WHISKY BOX 2 HIGH STREET DUNKELD	DUNKELD WHISKY BOX LTD	1 April 2019	Cited for 10.30am
	PH8 0AJ			

Meeting 30 May 2019 at 10:00 am in Council Chambers, Ground Floor, 2 High Street, Perth, PH1 5PH

Licensing (Scotland) Act 2005

Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
5	BREWDOG	BREWDOG RETAIL LIMITED	25 March 2019	Representation
	62-64 GEORGE STREET	(SC389114)		Cited for 11am
	PERTH	C/O MILLER SAMUEL HILL BROWN		
	PH1 5JL	RWF HOUSE		
		5 RENFIELD STREET		
		GLASGOW		
		G2 5EZ		
6	THE STAR HOTEL	THE PARTNERSHIP OF CURLY	30 April 2019	Non-Cited
	113 HIGH STREET	LLOYDS		
	AUCHTERARDER			
	PH3 1AA			

Meeting 30 May 2019 at 10:00 am in Council Chambers, Ground Floor, 2 High Street, Perth, PH1 5PH Licensing (Scotland) Act 2005

Personal Licence Review(s)

	Licence Holder	Applicant	Date Received	Comments
7	CRAIG LOUDON	POLICE SCOTLAND	25 April 2019	Cited for 11am