

PERTH AND KINROSS LICENSING BOARD

Council Building
2 High Street
Perth
PH1 5PH

Thursday, 17 August 2017

A Meeting of the **Licensing Board** will be held in **the Council Chamber, 2 High Street, Perth, PH1 5PH** on **Friday, 25 August 2017** 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

PERTH AND KINROSS LICENSING BOARD

Friday, 25 August 2017

***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 DECLARATIONS OF INTEREST**
- 2 INTRODUCTIONS**
- 3 MINUTE OF MEETING OF THE LICENSING BOARD OF 13 JULY 2017**
- 4 NEW PREMISES LICENCE APPLICATIONS**
 - (1) KINNAIRD BANK, KIRKMICHAEL ROAD, PITLOCHRY**
- 5 VARIATION (MAJOR) APPLICATIONS**
 - (2) THE ITALIAN CORNER, 33 PRINCES STREET, PERTH**
- 6 PERSONAL LICENCE APPLICATION**
 - (3) DAVID TAYLOR**

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.
--

All Council Services can offer a telephone translation facility.
--

Perth, 25 April 2017
This is the Approved Minute.

Convenor

PERTH AND KINROSS LICENSING BOARD
Minutes of Statutory Meeting of the Licensing Board
Held on 13 July 2017

Present:-

Councillors Anderson; Baird; Brock; Doogan; Gray; James; Jamieson; Pover; and Wilson

Councillor Baird presiding

Also present: Colin Elliott, Depute Clerk to the Licensing Board; Debbie Merchant, Licensing Manager (Up to and including Item 6); and Shona Michie, Licensing Enforcement Officer

1. ELECTION OF CONVENOR

Motion (Councillors Gray and Pover) Nominate Councillor Anderson.

Amendment Councillors Wilson and Brock) Nominate Councillor Baird.

Motion – 4 votes; Amendment – 5 votes.

Resolved in accordance with the Amendment.

2. ELECTION OF VICE CONVENOR

Motion (Councillors Baird and James) Nominate Councillor Jarvis.

Amendment Councillors Doogan and Gray) Nominate Councillor Anderson.

Motion – 5 votes; Amendment – 4 votes.

Resolved in accordance with the Motion.

3. INTRODUCTIONS

The Convenor introduced those present.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. MINUTES

Subject to one correction with ‘Norrie’ to become ‘Norie’ on the Perth Concert Hall major variation application, the Minute of the meeting of 20 April 2017 was submitted and approved as a true record and authorised for signature.

6. REPORT ON FINANCIAL STATEMENT OF PERTH AND KINROSS LICENSING BOARD

The Board discussed and noted the Report on the Financial Statement.

7. NEW PREMISES LICENCE APPLICATIONS

Premises	Applicant	Decision
Ballintaggart Farm Grandtully Pitlochry PH9 0PX	Christopher James Stewart Rowley	<p>Downgrade the application to a provisional premises licence</p> <p>Amend the provisional premises licence as follows:</p> <p><u>Operating Plan</u></p> <p>5 Amend activities to: Live performances YYN Outdoor drinking facilities YYN Box after 5(e) Amend Receptions narrative by deleting 'and may go to 1am' and insert instead, 'but would finish within core hours'; Delete reference to Live Performances; Delete reference to Outdoor drinking facilities. 6(b) After 'Children' add the words, 'and young persons'.</p> <p>Thereafter, grant subject to mandatory conditions, and</p> <p>Local Conditions</p> <p>(1) No live or recorded music shall be played in or into the outdoor licensed area.</p>
Food in the Park Museum Carpark Blair Atholl Perthshire	Food in the Park	<p>Grant subject to mandatory conditions, and</p> <p>Local Conditions</p>

PH18 5SP		<p>(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:</p> <ul style="list-style-type: none"> (i) noise mitigation (ii) dispersal of patrons (iii) the control and management of functions <p>(2) Amplified music is only permitted on Fridays, Saturdays, Sundays and shall cease on Fridays and Saturdays at 11pm and on Sundays at 10pm</p> <p>The premises licence is not to be issued until an amended layout plan is submitted to the satisfaction of the Board's officials including (i) showing the revised toilet arrangements, (ii) revised red hatched area and containment next to the toilets, (iii) adding the missing emergency exits and clear widths for those in relation to the marquee, and (iv) marking the Craft Centre area.</p>
Habitat Café 1 & 2 the Square Aberfeldy PH15 2DD	Michael Haggerton Trading as Habitat Café C/o Knight Training 134 The Barracks White Cross South Road Lancaster LA1 4XQ	<p>Grant subject to mandatory conditions, and</p> <p>Local Condition</p> <p>(1) The outside seating area shall be operated in accordance with the Licensing Board's Policy on Pavement Cafes.</p> <p>With the premises licence not to be issued until such time as (i) an amended layout plan is submitted to the satisfaction of the Board's officials including (a) adding the external dimension to the top of the Food Preparation Area, (b) clearly showing the off sales display area with the</p>

		required dimensions shown, and (c) deleting reference to 'Alcohol Display' at the Bar Area; (ii) amend the Operating Plan off sales capacity if required following resolution of (i)(b); and (iii) confirmation from Transportation, Perth and Kinross Council that Roads Consent is in place for the outdoor area.
Pitcrocknie Restaurant & Coffee House Pitcrocknie Alyth PH11 8JJ	Pitcrocknie Ltd	Amend the premises licence application as follows: Delete the site layout plan from the premises licence application; and Amend the legends on the lower ground and upper ground floor layout plans by referring to Male = M and Female = F, in respect of the toilet provision Thereafter, grant subject to mandatory conditions

8. PROVISIONAL PREMISES LICENCE APPLICATIONS

Premises	Applicant	Decision
Aldi Broich Road Crieff PH7 3SG	Aldi Stores Ltd C/o TLT LLP Solicitors LP-10 Glasgow 6	Grant subject to mandatory conditions
Crieff Food Company 3 High Street Crieff PH7 3HU	The Crieff Food Company	Amend the provisional premises licence application as follows: Add 'Stairs to Upper Floor Area' onto the Lower Ground Floor Layout Plan

		Thereafter, grant subject to mandatory conditions, and Local Condition (1) No alcohol shall be sold or consumed within the upper ground floor outdoor area.
Loch Leven Brewery The Muirs Kinross KY13 8AS	The Kinross Brewery Ltd	Grant subject to mandatory conditions

9. VARIATION (MAJOR APPLICATIONS)

Premises	Applicant	Decision
Co-operative Group Unit 5 Argyll Road North Muirton Perth PH1 3BZ	Co-operative Group Food Limited C/o Hill Brown Licensing RWF House 5 Renfield Street Glasgow G2 5EZ	Grant subject to amending the premises licence as follows: <u>Premises Licence</u> Amend the name of the premises to 'Co-op' <u>Operating Plan</u> Box after 5(e) Add the following, 'Recorded background music may be played within and outwith core hours.' 5(f) Delete existing and insert the following, 'The sale of food, non-food and other household goods and the provision of ancillary services within and outwith core licensed hours.'

Co-operative Group 52 High Street Kinross KY13 8AN	Co-operative Group Food Limited C/o Hill Brown Licensing RWF House 5 Renfield Street Glasgow G2 5EZ	Grant subject to amending the premises licence as follows: <u>Premises Licence</u> Amend the name of the premises to 'Co-op' <u>Operating Plan</u> Box after 5(e) Add the following, 'Recorded background music may be played within and outwith core hours.' 5(f) Delete existing and insert the following, 'The sale of food, non-food and other household goods and the provision of ancillary services within and outwith core licensed hours.'
Co-operative Group 17 Darnhall Drive Perth PH2 0HD	Co-operative Group Food Limited C/o Hill Brown Licensing RWF House 5 Renfield Street Glasgow G2 5EZ	Grant subject to amending the premises licence as follows: <u>Premises Licence</u> Amend the name of the premises to 'Co-op' <u>Operating Plan</u> 5(f) Delete existing and insert the following, 'The sale of food, non-food and other household goods and the provision of ancillary services within and outwith core licensed hours.'
Co-operative Group 168 Oakbank Road Perth PH1 1HA	Co-operative Group Food Limited C/o Hill Brown Licensing RWF House 5 Renfield Street	Grant subject to amending the premises licence as follows: <u>Premises Licence</u> Amend the name of the premise to 'Co-op'

	Glasgow G2 5EZ	<u>Operating Plan</u> 5(f) Delete existing and insert the following, 'The sale of food, non-food and other household goods and the provision of ancillary services within and outwith core licensed hours.'
Co-operative Group Tulloch Square Perth PH1 2PW	Co-operative Group Food Limited C/o Hill Brown Licensing RWF House 5 Renfield Street Glasgow G2 5EZ	Grant subject to amending the premises licence as follows: <u>Premises Licence</u> Amend the name of the premises to 'Co-op' <u>Operating Plan</u> 5(f) Delete existing and insert the following, 'The sale of food, non-food and other household goods and the provision of ancillary services within and outwith core licensed hours.'
That Bar/The Loft 145-149 + 157 South Street Perth PH2 8NY	Centreglobal Limited C/o J W Wyllie & Henderson LP-18 Perth	Grant subject to amending the premises licence as follows: <u>Premises Licence</u> Amend Description of Premises as follows: Inserting the words, "which can also be used for function/significant entertainment purposes" between the words "floor" and "and" where they occur in the second line. <u>Operating Plan</u> 4 Delete existing paragraph 3 and insert instead:

		<p>'Festive core hours for private functions and festive entertainment hours apply to upper floor areas and ground floor areas "G1", "G2", "Lobby", and "Loft Access" on layout plan when said ground floor areas are used for function or significant entertainment hours.'</p> <p>5(f) Amend paragraph 3 to read, 'Ground floor areas marked "G1" and "G2"';</p> <p>Delete existing paragraphs 4, 5 and 6 and insert instead:</p> <p>'When the areas marked "G1" and/or "G2" on the layout plan are to be used for significant entertainment hours, the following provisions apply:-</p> <p>Prior to being utilised during significant entertainment hours, the areas marked "G1" and/or "G2" on the layout plan will cease to be used for core hour purposes, will be cleared of patrons and will be kept clear of patrons for a period of one hour before reopening for use during significant entertainment hours.'</p> <p><u>Conditions</u></p> <p>Amend local conditions as follows:</p> <p>Delete Local Condition (1) and insert instead,</p> <p>"(1) The provision of alcohol in the upper floor areas and the ground floor areas G1 and G2 as shown on the Layout Plan when said areas G1 and G2 are used for significant entertainment purposes are for consumption on the premises only."</p> <p>Delete Local Condition (2) and insert instead,</p> <p>"(2) The provision of alcohol in the upper floor areas and the</p>
--	--	---

		<p>ground floor areas G1 and G2 as shown on the Layout Plan when said areas G1 and G2 are used for significant entertainment purposes is ancillary to the entertainment provided."</p> <p>Delete Local Condition (3) and insert instead, "(3) For the upper floor areas and the ground floor areas G1 and G2 as shown on the Layout Plan when the said areas G1 and G2 are used for significant entertainment purposes the entertainment provided must be on a continuous basis with breaks of not more than 15 minutes in any one hour."</p> <p>Delete Local Condition (4) and insert instead, "(4) For the upper floor areas and the ground floor areas G1 and G2 as shown on the Layout Plan when the said areas G1 and G2 are used for significant entertainment purposes, their shall be a minimum entry charge which shall be fixed by the Licensing Board each year for the year beginning 1st July and ending 30th June. For the purposes of fixing the minimum entry charge the Board shall take into account any representations from the Licensees of such premises."</p> <p>Add Local Conditions as follows:</p> <p>(8) Significant entertainment must be in operation within Area G1 on the layout plan for that area to be used for significant entertainment hours.</p> <p>(9) A clicker or counter system must be operated during significant entertainment hours such that the premises licence holders know, at any time, the number of persons on the ground floor and on the 1st floor, all to the continuing satisfaction of the Board.</p>
--	--	---

The Robert Burns Lounge 3 County Place Perth PH2 8EE	Edward Gray	Grant subject to amending the premises licence as follows: <u>Operating Plan</u> 5(c) Amend Gaming to 'YYN'
The Scottish Deli 1 and 1A Atholl Street Dunkeld Perthshire PH8 0AR	Perthshire Deli Ltd	Grant subject to amending the premises licence as follows: <u>Premises Licence</u> Delete existing Description of Premises and insert instead "Delicatessen, fine wine shop and café/restaurant within a row of existing Georgian buildings in the rural village location of Dunkeld." <u>Operating Plan</u> 1(b) Amend to 'NO' 1(c) Amend to 'YES' 2 Add social demand hours as requested 3 Amend terminal off sales hours to 10pm, 7 days per week 4 Amend to 'YES' and add narrative as follows: 'Festive social demand (premises offering no significant entertainment) as permitted by Licensing Board policy.' 5 Amend as follows: Restaurant YYY Receptions YYY Club meetings YYY Recorded music YYY Live performances YYN Box after 5(e) Add as follows: '5a: Food may be provided prior to 11.00am

		<p>5b: Receptions/Club meetings may take place prior to 11.00am</p> <p>5c: Recorded music (with associated PRS/PPL licence may be played prior to 11.00am, but only ever as background music.</p> <p>Note re 5g “Live performances”: Live acoustic only music may be available during core licensed hours.’</p> <p>5(f) Delete existing and insert instead: ‘Deli is open (as is currently), from 9am for the sale of speciality foods, either take-away or sit-in.’</p> <p>5(g) Amend to ‘N/A / N/A’</p> <p>6(a) Amend to ‘YES’</p> <p>6(b) Add ‘Permitted entry unaccompanied as deli customers or having sit-in food, but always at the discretion of trained staff.’</p> <p>6(c) Add ‘All ages.</p> <p>Note: Baby changing facilities available in customer toilet; high chair available for babies/toddlers; plug covers in place on all plug sockets.’</p> <p>6(d) Add ‘At all times’</p> <p>6(e) Add ‘All public areas’</p> <p>7 Amend off sales capacity to 3.7m2 Add ‘On sales capacity: 30 covers’</p> <p><u>Layout Plan</u></p> <p>Amend the layout plan as sought.</p>
--	--	--

PERTH AND KINROSS LICENSING BOARD

Meeting 25 August 2017 at 10:00 am in The Council Chambers, Ground Floor, 2 High Street, Perth, PH1 5PH

Licensing (Scotland) Act 2005

New Grant(s)

	Premises	Applicant	Date Received	Comments
1	KINNAIRD BANK KIRKMICHAEL ROAD PITLOCHRY PH16 5JL	CONALL NIALL IAIN LOW	3 July 2017	Cited for 10.00am

PERTH AND KINROSS LICENSING BOARD

Meeting 25 August 2017 at 10:00 am in The Council Chambers, Ground Floor, 2 High Street, Perth, PH1 5PH

Licensing (Scotland) Act 2005

Variation (Major)(s)				
	Premises	Applicant	Date Received	Comments
2	THE ITALIAN CORNER 33 PRINCES STREET PERTH PH2 8LJ	MARCELLO FRULLONI	25 May 2017	Cited for 10.00am

PERTH AND KINROSS LICENSING BOARD

Meeting 25 August 2017 at 10:00 am in The Council Chambers, Ground Floor, 2 High Street, Perth, PH1 5PH

Licensing (Scotland) Act 2005

Personal Licence(s)

Applicant		Date Received	Comments
3	DAVID TAYLOR	5 June 2017	Relevant offence confirmed by Police Scotland LSO Report Cited for 10.30am

