

PERTH AND KINROSS LICENSING BOARD

Council Building
2 High Street
Perth
PH1 5PH

Wednesday, 08 August 2018

A Meeting of the **Licensing Board** will be held in **the Council Chamber, 2 High Street, Perth, PH1 5PH** on **Thursday, 16 August 2018** 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

Thursday, 16 August 2018

***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 28 JUNE 2018 FOR APPROVAL AND SIGNATURE**
- 4 2018-08-16 - AGENDA**
- 5 FINANCIAL REPORT 2018**
- 6 ANNUAL FUNCTIONS REPORT 2018**
- 7 PREMISES LICENCE APPLICATIONS**
 - (i) AVANT GARDE**
 - (ii) COMRIE CROFT**
 - (iii) CRAFT BEER BOTTLE SHOP**
 - (iv) LA SICILYANA COFFEE AND WINE BAR.DOC**
 - (v) LOG CABIN HOTEL**
- 8 PROVISIONAL PREMISES LICENCE APPLICATIONS**
 - (i) BP BULLIONFIELD**

(ii) BP TRIANGLE

9 VARIATION (MAJOR) APPLICATIONS

(i) CORRIEFODLY HOTEL

(ii) FOOD IN THE PARK

(iii) SCONE ARMS

10 EXTENDED HOURS APPLICATION

(i) DORMY CLUBHOUSE

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PERTH AND KINROSS LICENSING BOARD
Minutes of Special Meeting of the Licensing Board
Held on 28 June 2018

Present:-

Councillors Baird; Anderson; Gray; James and McCall.

Councillor Baird presiding.

Also present: Colin Elliott, Depute Clerk to the Licensing Board; Louise Cormack, Licensing Standards Officer; Debra Merchant, Acting Licensing Manager; and PC Leighann Gregge, Police Scotland.

1. INTRODUCTIONS

The Convenor introduced those present.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The Minute of the Meeting of 31 May 2018 was submitted and approved as a true record and authorised for signature.

4. **PERSONAL - LICENCE APPLICATION**

Applicant	Decision
Hazel McKinnon Reid C/o CPL Training Egerton House 2 Tower Road Birkenhead Wirral CH41 1FN	Grant with the relevant offence marked on the personal licence.

5. **PREMISES LICENCE REVIEW**

Premises	Applicant	Decision
Shop 75-77 Balhousie Street PERTH PH1 5BG	Police Scotland	<p>Grounds for review are established on the basis of (i) breach of mandatory conditions 5 (no authorisation of sale of alcohol), 6(1) (no training of staff), and 6(2A) (no training records on the premises) on 24 April2018 for one member of staff; and (ii) breach of mandatory conditions 6(1) (no training of staff), and 6(2A) (no training records on premises) on 3 May 2018 for two members of staff.</p> <p>And Separately,</p> <p>Grounds for review are established on the basis of grounds relevant to the licensing objectives (a) preventing crime and disorder for failure to display the summary premises licence on 3 May 2018.</p>

		<p>And Separately,</p> <p>Grounds for review are established on the basis of grounds relevant to the licensing objective (a) preventing crime and disorder for failure to operate an incident book/refusals register between September 2015 and May 2018.</p> <p>Thereafter, the Board considered what step to impose on the premises licence.</p> <p>On the basis that it is necessary and appropriate to do so for the purposes of the licensing objectives (a) preventing crime and disorder and (e) protecting children and young persons from harm:</p> <ul style="list-style-type: none">(i) A written warning be issued to the premises licence holder, and(ii) Add local conditions to the premises licence as follows:<ul style="list-style-type: none">(1) A written policy shall be in place for the premises and shall be implemented by the premises licence holder, all to the continuing satisfaction of the Board, for:<ul style="list-style-type: none">(i) The training and supervision of staff involved in the sale of alcohol on the premises.(2) An incident book shall be kept on the premises and operated by the premises licence holder and all staff involved in the sale of alcohol, all to the continuing satisfaction of the Board. That
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		incident book shall be made available to the Police and/or the Licensing Standards Officer on request.
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6. PERSONAL LICENCE REVIEW

Applicant	Decision
Sabiha Sajad Hussain	No finding was made that the personal licence holder had acted in a manner inconsistent with the licensing objectives.
Sajad Hussain	<p>The personal licence holder, Sajad Hussain, acted in a manner inconsistent with the licensing objectives, (a) preventing crime and disorder and (e) protecting children and young persons from harm, on the basis that on 24 April 2018, Mr Hussain allowed alcohol to be sold on the premises contrary to the Licensing (Scotland) Act 2005, Section 107.</p> <p>Thereafter, the Board considered what step to impose on the personal licence.</p> <p>Motion (Councillors Anderson and McCall) On the basis that it is necessary for the purposes of the licensing objectives (a) preventing crime and disorder and (e) protecting children and young persons from harm, endorse the personal licence.</p> <p>Amendment (Councillors Gray and Baird) No action be taken.</p> <p>Amendment – 3 votes; Motion – 2 votes. Determined in accordance with the Amendment.</p>

PERTH AND KINROSS LICENSING BOARD

Meeting 16 August 2018 at 10:00 am in Council Chamber, Ground Floor, 2 High Street, Perth, PH1 5PH

Licensing (Scotland) Act 2005

New Grant(s)				
	Premises	Applicant	Date Received	Comments
1	AVANT GARDE 153 HIGH STREET KINROSS KY13 8DA	FIONA CAMERON-BOWMAN	23 May 2018	Cited for 10.15am
2	COMRIE CROFT BRAIN CROFT COMRIE PH7 4JZ	COMRIE CROFT LIMITED	2 May 2018	Cited for 10:30am
3	CRAFT BEER BOTTLE SHOP 9A MURRAY STREET PERTH PH1 5PJ	DANIEL O'CONNOR	24 April 2018	Cited for 10:30am
4	LA SICILYANA COFFEE & WINE BAR 20-22 PERTH ROAD SCONE PERTH PH2 6JJ	STEVEN DALTON	17 May 2018	Cited for 11:00am
5	THE LOG CABIN HOTEL GLEN DERBY KIRKMICHAEL PH10 7NA	WILLIAM KENNETH KINCAID	8 May 2018	Cited for 11:00am

PERTH AND KINROSS LICENSING BOARD

Meeting 16 August 2018 at 10:00 am in Council Chamber, Ground Floor, 2 High Street, Perth, PH1 5PH

Licensing (Scotland) Act 2005

Provisional(s)				
	Premises	Applicant	Date Received	Comments
6	BP BULLIONFIELD M&S SF CONNECT A90 WESTBOUND INVERGOWRIE DUNDEE DD2 5EG	BP OIL UK LIMITED C/O HARPER MACLEOD THE CA'D'ORO 45 GORDON STREET GLASGOW G1 3PE	24 April 2018	Cited for 1:30pm
7	BP PERTH SERVICES M&S CONNECT THE TRIANGLE INVERALMOND PERTH PH1 3GA	BP OIL UK LIMITED C/O HARPER MACLEOD THE CA'D'ORO 45 GORDON STREET GLASGOW G1 3PE	24 April 2018	Cited for 1:30pm

PERTH AND KINROSS LICENSING BOARD

Meeting 16 August 2018 at 10:00 am in Council Chamber, Ground Floor, 2 High Street, Perth, PH1 5PH

Licensing (Scotland) Act 2005

Variation (Major)(s)				
	Premises	Applicant	Date Received	Comments
8	CORRIEFODLY HOTEL BRIDGE OF CALLY PERTHSHIRE PH10 7JG	WOOD LEISURE HOLIDAY PARKS LIMITED	28 March 2018	Cited for 11:30am
9	FOOD IN THE PARK MUSEUM CARPARK BLAIR ATHOLL PERTHSHIRE PH18 5SP	DAVID MCKENZIE AND SALLY JUDD T/A FOOD IN THE PARK	4 May 2018	Cited for 11:30am
10	SCONE ARMS 2 CROSS STREET SCONE PERTH PH2 6LR	FRIEL-MYLES HOLDINGS LTD C/O JANET HOOD JANET HOOD CONSULTING KIRKTON OF BALFOUR EDZELL BRECHIN ANGUS DD9 7XU	25 May 2018	Cited for 12:00pm

PERTH AND KINROSS LICENSING BOARD

Meeting 16 August 2018 at 10:00 am in Council Chamber, Ground Floor, 2 High Street, Perth, PH1 5PH

Licensing (Scotland) Act 2005

Extended Hours(s)

Premises		Applicant	Date Received	Comments
11	THE DORMY CLUBHOUSE THE GLENEAGLES HOTEL GLENEAGLES AUCHTERARDER PH3 1NF	THE GLENEAGLES HOTEL LIMITED	4 May 2018	Cited for 12:00pm

PERTH AND KINROSS LICENSING BOARD

Board Meeting: 16 August 2018

FINANCIAL REPORT

Report by Clerk to the Licensing Board

PURPOSE OF REPORT

This report provides the Board with a Financial Report required under Section 9B of the Licensing (Scotland) Act 2005.

1. BACKGROUND / MAIN ISSUES

Background

1. The Perth and Kinross Licensing Board is required under Section 9B of the Licensing (Scotland) Act 2005 to publish an annual financial report within 3 months of the end of the relevant financial year.

This report has been prepared using financial data taken on 31 May 2018. The relevant budgets and other finance sources that the data has been extracted from have not yet been audited.

Consequently the figures provided in this report are indicative and cannot be relied upon as an accurate reflections of income and expenditure relative to the exercise of the Licensing Board's functions under the Licensing (Scotland) Act 2005.

2. CONCLUSION AND RECOMMENDATIONS

- 2.1 This Report will be produced no later than three months of the end of the financial year and presented to the Board for their information.
- 2.2 It is recommended that the Board:
 - (i) Note the contents within the Financial Statement as shown as Appendix 1.

Author(s)

Name	Designation	Contact Details
Debra Merchant	Licensing Manager	Ext. No. 75159 Email: dmerchant@pkc.gov.uk

Approved

Name	Designation	Signature
Sarah Rodger	Legal Manager	
Date 12 June 2018		

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Council Text Phone Number 01738 442573

ANNEX

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Statement of Policy	No
Resource Implications	
Financial	No
Workforce	No
Assessments	
Equality Impact Assessment	None
Consultation	
Internal	Yes
External	No
Communication	
Communications Plan	No

1. CONSULTATION

- 1.1 The terms of this Report have been considered internally with the Assistant Accounts Exchequer Manager.

2. APPENDIX

- 2.1 Financial Report – Financial year 2017-2018

APPENDIX 1

Licensing (Scotland) Act 2005

Perth and Kinross Council Board Financial Report

Financial Year: 2017-2018

Income

Premises/Provisional/Confirmation Licences	£12027
Annual Fees	£193821
Transfers	£2208
Major/Minor Variations	£9893
Extended Hours	£150
Occasional Licence	£12430
Personal Licence	<u>£8766</u>
Total	£239295

Direct Staff Costs

Licensing Standards Officers	£35724
Administrative Support	£45172
Legal Services	<u>£65332</u>
Total	£146228

Other Direct Costs

Training and Development	£1950
Stationery	£207
Supplies and Services	£8848
Catering	£0.00
Transport	£370
Travel	<u>£0.00</u>
Total	£11375

Indirect Costs

ICT/Facility Management	£39991.00
Financial Services/Procurement Accommodation	N/A *

*The accommodation costs for 2 High Street are a single figure incurred by the Council therefore an accurate figure for accommodation in respect of the Licensing Board cannot be determined at the present time which however if these were factored in it is unlikely there would be a surplus figure. The costs of the democratic process are also not included.

Net Income-Expenditure **+ £41701.00**

PERTH AND KINROSS LICENSING BOARD

Board Meeting: 16 August 2018

ANNUAL FUNCTIONS REPORT 2018

Report by Clerk to the Licensing Board

PURPOSE OF REPORT

This report provides the Board with an Annual Functions Report required under Section 9A of The Licensing (Scotland) Act 2005.

1. BACKGROUND/MAIN ISSUES

- 1.1 In terms of The Licensing (Scotland) Act 2005, Section 9A a Licensing Board must publish an Annual Functions Report within 3 months of the end of the financial year.
- 1.2 In preparing an annual functions report a Licensing Board must include:-
 - (a) a statement explaining how the Board has had regard to:-
 - (i) the licensing objectives, and
 - (ii) the licensing policy statement and any supplementary licensing policy statement including the Board's statement under section 7 (1) (duty to assess overprovision) in the exercise of their functions under this Act during the financial year.
 - (b) a summary of the decisions made by the Board during the financial year
 - (c) information about the number of licences held under this Act in the Board's area (including information about the number of occasional licences issued during the year) and
 - (d) any other information about the exercise of the Licensing Board's functions under this Act as the Board consider appropriate.

2. CONCLUSION AND RECOMMENDATIONS

- 2.1 This Report will be produced no later than three months of the end of the financial year and presented to the Board for their information.

2.2 It is recommended that the Board:

- (i) approve the Annual Functions Report as shown as Appendix 1.

Author(s)

Name	Designation	Contact Details
Debra Merchant	Licensing Manager	Ext. No. 75159 Email: dmerchant@pkc.gov.uk

Approved

Name	Designation	Signature
Sarah Rodger	Legal Manager	
Date 14 June 2018		

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ANNEX

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Statement of Policy	No
Resource Implications	
Financial	No
Workforce	No
Assessments	
Equality Impact Assessment	None
Consultation	
Internal	No
External	No
Communication	
Communications Plan	No

1. CONSULTATION

1.1 As this report is for information to the Board no consultation is required.

2. APPENDIX

2.1 Annual Functions Report 01/04/2017-31/03/2018

**PERTH AND KINROSS
LICENSING
BOARD**



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1.0 Introduction – Perth and Kinross Licensing Board

- 1.1 Perth and Kinross Licensing Board (“the Board”) is the licensing authority for the local government area of Perth and Kinross for the purposes of the Act. The current Board, which was formed in May 2017, comprises 10 members all of whom are, elected members of Perth and Kinross Council. The Board is responsible for the functions set out in paragraphs 1.3 and 1.4 below within Perth and Kinross.
- 1.2 Perth and Kinross shares borders with Dundee, Fife, Clackmananshire, Highland, Aberdeenshire, Angus, Argyll and Bute and Stirling Councils and covers 5285 square kilometres. The 2011 Census states that 146,652 people live within the area, which stretches from the Spittal of Glenshee in the north to Blairingone in the South bordering with Clackmanshire and Fife and in the East from Alyth and Blairgowrie to the West, St. Fillans on the banks of Lochearn bordering with Stirling. The main administrative centre for Perth and Kinross is based in Perth.
- 1.3 The Licensing (Scotland) Act 2005 as amended (“the Act”) makes provision for regulating the sale of alcohol and for regulating licensed premises and other premises on which alcohol is sold.
- 1.4 Under the Act, Licensing Boards are responsible for considering applications for:-
 - premises licences
 - occasional licences
 - provisional licences
 - temporary licences
 - personal licences
 - transfer of premises licences
 - variation of premises licences
 - extensions of licensing hours in respect of:
 - the sale of alcohol by retail; and
 - the supply of alcohol in members clubs

2.0 The Licensing Objectives

2.1 The Act sets out the following five licensing objectives (“the licensing objectives”):-

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health
- protecting children and young persons from harm

2.2 The licensing objectives provide a basis for the administration of the licensing regime. They also provide potential reasons for refusal of an application for the grant or variation of a premises licence or an occasional licence. Breach of the objectives may provide grounds for reviewing a premises licence. Conditions attached to a premises licence or an occasional licence may be based on any one or more of the licensing objectives.

2.3 In exercising its functions under the Act, the Board are required to have regard to the licensing objectives.

3.0 Annual Function Report

3.1 In the year from 1 April 2017 to 31 March 2018, the Board met every six weeks, with the exception of June, August and September, to determine applications.

3.2 All applications before the Board were dealt with in an open and transparent manner in accordance with licensing legislation and its statement of licensing policy 2013 – 2018.

3.3 Information and assistance was made available to persons wishing to apply for a licence, make representations or lodge objections.

3.4 The Board is aware of the need to ensure that the licensing process is accessible to all. Assistance is therefore always available on request for those who require special arrangements to access any part of the process.

3.5 At the six weekly meetings, the Board adopts as an informal process as possible but consistent with the carrying out of the Board’s quasi-judicial function.

3.6 The Board always attempts to follow best practice in enforcement including adoption of standards.

4.0 Decisions of the Board

4.1 The Board received 4 new premises applications, 11 Provisional Premises Licences and 15 Major Variations all of which were granted. Minor Variations of which totalled 114 were approved under delegated powers.

4.2 During the course of the year, the Board received 1139 applications for Occasional Licences. 6 Extended hours applications were received one of which was refused by the Board and 2 approved under delegated powers and 3 not considered due to being outwith Board Policy and insufficient time for those applications to be considered by the Board.

4.3 In assessing applications, the Board used a considerable number of different sources of information to enable them to reach determinations. These sources included

reports from Police Scotland, Scottish Fire and Rescue Service, Licensing Standards Officer, Building Standards, Planning and Environment Services.

- 4.4 5 objections in writing were received with regard to new premises licences and 2 in relation to Major Variations. These mainly comprised concerns over perceived potential noise/nuisance and possible anti-social behaviour. The Board granted these applications subject to mandatory and local conditions being imposed. Local conditions imposed mainly consisted of noise mitigation policies and dispersal of patrons policies being in place.

5.0 Licensed Hours

- 5.1 In granting licences the Board recognises that licensing hours are important to individual licensed premises, but can have a wider impact for an area. Balanced against this, the Board does not wish to unnecessarily inhibit the development of thriving and safe evening and night time local economies which are important for investment, employment and tourism. The Board considers that the on sale policy hours are appropriate for Perth and Kinross and represent a balance between the interest of the public, residents, licensed businesses and patrons of licensed premises at present; however a change is currently being considered through the Perth and Kinross Licensing Board Policy Statement 2018.
- 5.2 In terms of the Act, the sale of alcohol for consumption off the premises is not permitted before 10.00 am and after 10.00 pm.
- 5.3 Each application for a premises licence is assessed on its own merits against the policy hours appropriate to the type of activity and venue for which a licence is being sought.
- 5.4 Should an application be received in respect of opening earlier than 11 am for on sales, the Board will expect the applicant to justify their request and demonstrate measures that promote the five licensing objectives.
- 5.5 Extended hours applications are individually assessed on their own merits. When the extended hours sought are in respect of on sale premises and are outwith on sale policy hours appropriate to the applicant's premises, the applicant is required to demonstrate to the Board that there are good reasons for the hours sought and that the hours are appropriate in the circumstances. The applicant will require to provide the Board with sufficient information to enable a decision to be made in this regard. This information will include:-
- the hours sought;
 - a description of the special event or occasion;
 - the proposed activities to take place during these hours;
 - when each activity will take place;
 - management arrangements to be in place for the special event or occasion.
- 5.6 The Board has a policy of permitting longer licensed hours over the Christmas/New Year period. The Board makes an annual announcement in the local newspaper and on the Council website with the longer licensing hours they have agreed to permit to on-sales only.

- 5.7 In 2017, as in previous years, the Board granted a festive period of longer hours seven days a week from 8 December 2017 to 2 January 2018. No complaints were received in relation to the operation of any premises use of these extended hours.

6.0 Licensing Board Training

- 6.1 As stated at the beginning of this report, our current Board, comprises of 10 Members who were elected in the local council elections in May 2017 and nominated as Board Members.
- 6.2 In May 2017, all nominated Board members attended a day's mandatory training from Alcohol Focus Scotland in licensing legislation and Board functions. This included a post training examination which all were required to pass. Further training was provided to Members by the Depute Clerk to the Board and the Licensing Standards Officer which further enhanced the knowledge of the Members.

7.0 Licensing Forum

- 7.1 The role of the Licensing Forum is to keep under review the operation of the Licensing Act in the Perth and Kinross area and to give advice and make recommendations to the Board in relation to those matters as the Forum deems appropriate. The Forum is the community's voice on alcohol issues.
- 7.2 Commencement of the Licensing regime there have been difficulties in maintaining a Forum however in January 2018 this group has re-formed. Members include representatives from the Drugs and Alcohol Partnership, Police Licensing, representative from NHS, Licensing Standards Officer, on and off sales representatives and an officer from the local University.
- 7.3 Perth and Kinross Licensing Forum meets on a quarterly basis at various venues within Perth and tries to accommodate the members with regard to timings of meetings.
- 7.4 The Forum has been asked to comment on the Licensing Board Policy Statement for 2018 and provided valuable feedback on areas that are relevant to the current economic climate. For example, the operating hours for pavement cafes, a suggested increase in licensing hours and the close down policy for those premises that operate function hours.

8.0 Reviews

- 8.1 In the period 1 April 2017 to 31 March 2018 the Board considered 8 Premises Licence Reviews, 6 of which were revoked due to premises being closed and 1 suspended by the Licensing Board for unpaid annual fees. 1 further review request was submitted by a member of the public due to a noise issue however the Board decided not to take any action after hearing the review request.
- 8.2 In the course of Board business, applications for Personal Licences were only heard and determinations made on them if the applicant had relevant convictions or a representation had been made from Police Scotland stating that the applicant was not a fit and proper person to hold a licence. 167 Personal Licence applications were received during the period 1 April 2017 to 31 March 2018, 1 of which was withdrawn and 1 surrendered prior to the Board meeting.

9.0 Conclusion

- 9.1 Licensed premises in Perth and Kinross have been generally well run and generally problem free in the last year.
- 9.2 It is recognised the efforts of the officers and partners involved in ensuring that licensed premises in Perth and Kinross are compliant and kept well informed of the requirements of licensing legislation and regulations.
- 9.3 The Board will continue to ensure that good practice continues and the licensing objectives are complied with during the period 2018-2019.