

PERTH AND KINROSS LICENSING BOARD

Council Building
2 High Street
Perth
PH1 5PH

Wednesday, 11 September 2019

A Meeting of the **Licensing Board** will be held in **the Council Chamber, 2 High Street, Perth, PH1 5PH** on **Thursday, 26 September 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

PERTH AND KINROSS LICENSING BOARD

Thursday, 26 September 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 15 AUGUST 2019 FOR APPROVAL AND SIGNATURE 5 - 8**
- 4 26 SEPTEMBER 2019 AGENDA 9 - 12**
- 5 CHIEF CONSTABLE'S ANNUAL REPORT 13 - 24**
- 6 PREMISES LICENCE APPLICATIONS**
 - 6(i) ERROL PARK HOUSE**
 - 6(ii) THE ROOKERY - CRAFT MEAD**
- 7 PROVISIONAL PREMISES LICENCE APPLICATIONS**
 - 7(i) LOCH LEVEN DISTILLERY**
 - 7(ii) UNIT 3, 8 WEST MAINS AVENUE**
 - 7(iii) WASTED DEGREES BREWING**
- 8 VARIATION (MAJOR) APPLICATION**
 - 8(i) DICKENS BAR**

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PERTH AND KINROSS LICENSING BOARD
Minutes of Statutory Meeting of the Licensing Board
Held on 15 August 2019

Present:-

Councillors Baird; Jarvis; Brock, Duff; James; and Wilson.

Councillor Baird presiding.

Also present: Colin Elliott, Depute Clerk to the Licensing Board and Lousie Cormack, Licensing Standards Officer.

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 4 July 2019 was submitted and approved as a true record and authorised for signature.

4. MAJOR VARIATION APPLICATIONS

Premises	Applicant	Decision
Loch Leven Brewery The Muirs Kinross KY13 8AS	The Kinross Brewery Ltd	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Operating Plan</u></p> <p>2 Amend the terminal hour to 10pm, 7 days 3 Amend the terminal hour to 10pm, 7 days</p> <p><u>Conditions</u></p> <p>Add local condition as follows:</p> <p>(1) A written policy shall be in place for the premises 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> <p>(i) the taking of orders and subsequent delivery of alcohol out with the premises</p> <p>With the variation not to take effect until Development Management, Perth and Kinross Council have confirmed approval of a noise management plan under 19/00322/FLL</p>
Saorsa 1875 2 East Moulin Road Pitlochry PH16 5DW	Saorsa Group Limited	<p>Grant subject to amending the premises licence as follows:</p>

		<p><u>Premises Licence</u></p> <p>Description of Premises – delete existing and insert instead:</p> <p>"Saorsa 1875 is a small hotel with 11 letting bedrooms, all with en-suite bath and toilets, plus a restaurant and bar where the bar is located in the corner. All eleven bedrooms are on the first floor. The clientele is almost exclusively holiday and recreational visitors, predominantly adult, with a very small proportion of under-age children. The restaurant and bar are for the use of both residents and non-residents. The sale of alcohol is a service valued by a large proportion of the guests but the volume is low - an aperitif, a glass or two of wine, perhaps a malt - and makes a small contribution to turnover. The hotel is located in a secluded, suburban area of Pitlochry on .74 hectares (1.8 acres) of grounds."</p> <p><u>Operating Plan</u></p> <p>2 Amend opening time to 11am, 7 days per week; and amend the terminal hour on Monday/Tuesday/Wednesdays to 12 midnight</p> <p>4 Remove existing narrative</p> <p>5 Amend as follows: Outdoor drinking YYN</p> <p>Box after 5(e) Delete existing and insert instead: "5(a) Restaurant facilities - Breakfast will be served to residents only. Alcohol is not sold at that time. 5(c) Recorded music will be played outwith core</p>
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		<p>licensed hours for the benefit of residents. This will be quiet background music only."</p> <p>5(f) Delete existing narrative</p> <p>6(b) Delete existing and insert instead: "Only children and young persons that are residents of the hotel will be allowed entry. They must be accompanied by an adult who is also a resident."</p> <p>6(e) Delete existing and insert instead: "All public areas"</p> <p>7 Amend to 70</p> <p><u>Layout Plan</u></p> <p>Amend location and layout plans as sought.</p> <p><u>Conditions</u></p> <p>Delete existing local condition 1.</p>
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5. EXTENDED HOURS APPLICATION

Premises	Applicant	Decision
The Ice Factory 6 Shore Road Perth PH2 8BW	Centreglobal Limited	Granted

PERTH AND KINROSS LICENSING BOARD

Meeting 26 September 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	ERROL PARK HOUSE, STABLES AND FUNCTION AREA ERROL PARK ESTATE ERROL PH2 7RA	A & D BAR SERVICES LTD	8 July 2019	Cited for 10am
2	THE ROOKERY - CRAFT MEAD 2/3 STABLE COTTAGE ENOCHDHU PERTHSHIRE PH10 7PD	CHRISTOPHER MULLIN	15 July 2019	Cited for 10am

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Licensing (Scotland) Act 2005

Provisional(s)				
	Premises	Applicant	Date Received	Comments
3	LOCH LEVEN DISTILLERY GREEN ROAD KINROSS KY13 8TP	LOCH LEVEN DISTILLERY LIMITED	30 July 2019	Cited for 10.30am
4	UNIT 3 8 WEST MAINS AVENUE PERTH PH1 1QZ	ALISON MCCABE C/O HARRY DUNN 1 BOWERSWELL WATERLOO BANKFOOT PERTH PH1 4FG	8 July 2019	Cited for 10.30am
5	WASTED DEGREES BREWING UNIT 11 SAWMILL YARD BLAIR ATHOLL PH18 5TL	IT'S BRAW LIMITED T/A WASTED DEGREES BREWING	4 June 2019	Cited for 11am

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Licensing (Scotland) Act 2005

Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
6	DICKENS BAR 189 SOUTH STREET PERTH PH2 8NY	B M TAVERNS LIMITED C/O HARRY DUNN 1 BOWERSWELL WATERLOO BANKFOOT PERTH PH1 4FG	1 August 2019	Objections Cited for 11am



**POLICE
SCOTLAND**

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE
PERTH AND KINROSS LICENSING BOARD
FOR THE PERIOD
1ST APRIL 2018 to 31ST MARCH 2019

Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2018/19, in accordance with Section 12(A) Licensing (Scotland) Act 2005. During this year the Minimum Unit Pricing of Alcohol was introduced in Scotland. We will work through the Evaluation Advisory Group to assess the impact of this legislation.

Working in partnership is key to effective regulation in liquor licensing. Police Scotland remains committed to working closely with partners in the 32 Local Authorities across Scotland to ensure a fair and consistent approach. Preventing alcohol fuelled violence, disorder and antisocial behaviour is a priority and I believe that working together to achieve effective early intervention and enforcement is vital to this.

I would like to acknowledge the many active local partnerships that provide continued support, enabling Police Scotland and partners to drive improvement in licensing. I will ensure that all officers and staff continue to recognise the importance of working closely with key partners, including the Licensed Trade, to improve licensing standards nationally utilising the range of options available to them.

I am confident that through strong partnerships and collaborative working, we will meet any challenges that may arise and will continue to improve licensing standards for the communities of Scotland.

Mr Iain Livingstone QPM

Chief Constable

Police Service of Scotland

Police Scotland Licensing Overview

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Safer Communities based at Dalmarnock Police Station, Glasgow.

The VPLCU upholds the two tier structure for licensing which supports both national and local priorities through service delivery. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams as well as undertaking other specialist functions.

The Violence Prevention and Licensing Co-ordination Unit is a specialist department which consists of a small team of officers, based in Glasgow. The officers within the unit work with divisional licensing teams and partner agencies to help shape policy and strategy around the police licensing function. They provide practical and tactical advice to police licensing practitioners, operational officers, supervisors and policing commanders.

The VPLCU seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the country and all opportunities are taken to stop the illegal or irresponsible sale, supply or consumption of alcohol with the intention of preventing and reducing crime and disorder.

During 2018/2019, from a licensing perspective, our particular focus will be on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Continuous professional development training and guidance for staff to harmonise licensing practice across the country.
- Working closely with statutory partners within a National Licensing Trade Forum to identify licensing related issues and prevent/reduce associated crimes.
- Governance and ongoing development of the National ICT Licensing System, known as “Inn Keeper”, to increase the efficiency and effectiveness of liquor and civic licensing administration and management.
- The implementation and ongoing development of the Licensing Admin tool provides divisional licensing officers with a single ICT product negating the need to research police systems independently. Through accurate recording, the licensing admin tool assists Police Scotland in deploying our resources to the right places and the right time to keep people safe.

Each of the 13 Local Policing Divisions have a licensing team responsible for the day to day management of licensing administration, complying with statutory requirements as well as addressing any issues that may arise within licensed premises in their local area.

LICENSING BOARD AREA

The licensing Board area is policed by Tayside Division

Chief Superintendent Andrew Todd is the Local Police Commander who has the responsibility for all day-to-day policing functions.

Perth and Kinross Area Command

Chief Inspector Ian Scott has responsibility as Area Commander for the Perth and Kinross Local Policing Area. He is based at Perth Police Office.

Senior Officers

Inspector Gordon Fotheringham - Head of Licensing Department. Is responsible for the overall supervision of the department.

Sergeant Ryan MacDonald – Licensing Sergeant. Is responsible for the day to day management of the department and staff.

Local Policing Priorities

Following our public consultation process, the policing priorities for D Division, as set out in our Local Policing Plan are as follows;

- Putting victims at the heart of what we do
- Tackling Crime and antisocial behaviour
- Protecting vulnerable people
- Maintaining public safety

These are underpinned by our values of Integrity, Fairness and Respect.

Description of Board Area

Located in the heart of Scotland, Perth and Kinross serves as the crossroads of the country and gateway to the Highlands. Covering over 5,300 square kilometers, Perth and Kinross is a large and varied area that serves a population of 150,680.

Only an hour from Edinburgh and 75 minutes from Glasgow, the area's principal city, Perth, is at the hub of both Scotland's motorway and rail networks. 90% of Scotland's inhabitants live within 90 minutes of Perth.

Perthshire is a traditional and distinguished area of Scotland. As the old capital of Scotland, the Perth area has strong Royal links – Scone Palace, Stone of Destiny, Loch Leven and Queen's View. It has an historic city centre with many independent retail outlets and a range of eating and drinking establishments and licensed premises.

Due to vast area covered by Perth and Kinross the licensed premises within the division range from busy city centre pubs and nightclubs to local village pubs. Each premise, however, is vital to the community and the local economy.

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

Legislation in relation to the sale and supply of alcohol is continually evolving through case law and statutory instruments. Police Scotland strive to match the evolution of legislation with policing tactics in order to effectively tackle these changes.

The misuse of alcohol is regularly cited as a contributory factor in relation to crimes of violence, domestic abuse, disorder and antisocial behaviour.

Police Scotland have developed the “Licensing Toolkit” – a document with practical and tactical advice and a range of problem solving options, designed to assist operational officers, supervisors, commanders and Police Licensing Practitioners in relation to decision making around licensed premises to ensure their safe and legitimate operation.

Partnerships

Police Scotland work closely with our partners in the Local Authority, Perth and Kinross Licensing Forum, Local Pubwatch Schemes and Security Industry Authority to raise the standards of the licensed trade, through proportionate and effective enforcement of licensing legislation and working practises.

In order to reduce violence and disorder with in Perth and Kinross, we will

- Listen to the concerns of our communities and utilise evidence based policing to deploy our resources to identified locations to prevent the misuse of alcohol and related violence and disorder.
- Actively encourage police engagement and interaction with licensed premises, ensuring crimes of violence are investigated as a priority and bail conditions and exclusion orders are effectively applied to prevent repeated offending by individuals who pose a significant threat to the public

We will further work with partners including Social Work, Departments of Health & Education, the Alcohol and Drug Partnership and Tayside Council on Alcohol and Child Protection Committees to raise awareness, seek solutions and support joint problem solving in relation to alcohol and drug misuse in our communities.

Working with our communities and partners such as Local Authority Licensing Standards Officers, Immigration Enforcement, HMRC and Trading Standards, we will gather intelligence and support local and national initiatives to disrupt criminal activity.

Problem Solving

Police Scotland have a number of analytical tools and products at our disposal such as Beat Tracker, Ward Tracker, the Licensing Administration Tool and UNIFI crime recording system, which are used to identify hotspot areas, repeat callers, trends in relation to crime, violence, anti-social behaviour which can be linked to the locations of licensed on and off sales premises.

We also exercise a range of options to assist our problem solving approach when considering issues identified at licensed premises. These options form a staged but

flexible response to identified issues, from simply engaging with and advising the staff at licensed premises at the lower end of the scale, to grading premises as being 'Problematic' and requesting a review of a premise licence by the Licensing Board in relation to the more serious matters.

Any recommendations made may influence the decision making process of the board and or any conditions they may impose on licence holders.

The intervening options involve increased interaction with licenced premises, managers and staff, grading premises as 'Monitored' which necessitates a regime of tasked inspections and increased scrutiny for an identified period of time, to 'Intervention' which requires formal dialogue to occur and 'Licensing Intervention Plans' to be agreed and utilised whilst gaining the support of the licenced premise staff and management in question.

The action taken at all stages is documented on our national 'Innkeeper' system.

It is clear from the data collated from our aforementioned systems that excessive alcohol consumption is an aggravating factor in the majority of incidents of assault and serious assault linked to licensed premises.

Tayside Division Licensing Department have recently undergone a change in leadership and focus. Although there is still the administrative tasks to deal with, the Licensing Team have taken up a more proactive and public facing approach. The team deploy at various times of the day and evening and engage will all licensing trades to ensure compliance, to provide education and to support local Officers.

Operation Respectful is the overarching delivery of licensing activity in D Division and is used to promote the operational deployment and engagement with the licensed trade. This approach has seen an increase in positive relationships with the licensing trades through days of action including taxi education, immigration deployments and licensed premises inspections in partnership with Trading Standards and HMRC.

In 2019, the Divisional Licensing Team will host and deliver a seminar to the Liquor Licensing trades on how better cooperation can support Policing Priorities and can keep patrons safe.

Summary

Over the last year the unlicensed sale/supply of alcohol has not been an issue that has featured within Tayside Division.

All personal licence applications are given thorough consideration, giving due regard to the date and nature of all relevant previous convictions along with any available intelligence.

There have been two requests for Premises Licence reviews within Perth and Kinross over the last year. Of these, with one the board found that grounds were established on the basis of protecting children and young persons from harm and the premises was given a written warning.

The second, the board found that grounds for a review were not established.

There have been four requests for Personal Licence reviews. Of these, in one case the board found that the Personal Licence Holder had acted in a manner inconsistent with the licensing objectives, of preventing crime and disorder and protecting children and young persons from harm. No formal action was taken by the board and the licence holder reminded of their responsibilities.

In two cases, the board found that the Personal Licence Holders had not acted in a manner inconsistent with the licensing objectives therefore no further action was taken and the fourth remains to be dealt with.

The Divisional Licence team receives notification of offences within Tayside committed by licence holders. Only the most significant, serious and relevant matters are brought to the attention of the Licensing Board prior to conviction, and others are monitored closely until dealt with by the Court before being brought to the Board's attention.

After every instance of violence within a licenced premises, the reporting officer has the option of requesting an exclusion order banning the perpetrator from licenced premises within the city after conviction. There are currently 8 persons with exclusion orders within Perth and Kinross.

There have been no Closure Orders in regard to licensed premises within Tayside Division in the last year.

Alcohol related violence and disorder incidents are dealt with robustly by officers at the time of attendance and early intervention by licensed premise staff is always advocated. This message is reinforced by the Divisional Licensing Team when interacting with licensed premise staff regarding such matters.

Weekend policing plans are produced each week and resources deployed accordingly as a preventative measure to locations, premises and events where disorder is a likely outcome due to increased footfall of patrons combined with the consumption of alcohol. Positive engagement is encouraged with all staff employed in the running of licensed premises at all times with the risks and consequences of excessive alcohol consumption by individuals continually being highlighted to mitigate any risks to drunk persons after they leave establishments.

The Divisional Licensing Team has also developed, and will continue to develop, its proactive approach towards the regulation of and operation of licensed premises across Perth and Kinross whereby officers are now routinely deployed throughout the year, out with normal office hours to tackle emerging issues and establish a regime of regular inspections. This is often done in conjunction with other partner agencies such as the local authority, Immigration Enforcement and HMRC whose added presence has been noted as having a positive effect with regards individual compliance with and enforcement of the licensing objectives.

PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE

Keeping children safe is a high priority for Police Scotland and we remain committed to focusing on engagement with children and young persons and preventing them from harm through initiatives including 'Choices For Life' and working with schools and developing outcome based solutions, including the development of our Police Scotland Youth Volunteers programme.

The identification of children and young persons who misuse alcohol and those on the periphery of offending as a result of such activity is therefore a priority. This allows for effective early intervention and for diversionary activities to be identified and applied. Research suggests that the earlier interventions are delivered to young people who offend at the lowest level, the likelihood is that the intervention will be effective, the individual will engage and will not re-offend.

Police Scotland operates the Whole System Approach for addressing the needs of young people involved in offending and this is underpinned by the 'Getting It Right for Every Child' framework that ensures that anyone providing support, puts the child or young person and their family at the centre of the process.

Over the last year there have been 14 'Innkeeper' incident reports received across the Division in relation to liquor licensing concerns and incidents involving children and young persons with only four of those relating to Perth and Kinross area.

The Divisional Licensing Team scrutinise all allegations of suspected underage activity in relation to licensed premises and routinely task officers via the 'Innkeeper' system to ensure that full enquiries are made and appropriate action is taken if necessary in respect of both the young persons involved and the licensed premises.

The age verification 'Challenge 25' scheme is actively encouraged in all licensed premises (both on and off sales) at the point of sale and is an effective tool to prevent the sale of alcohol to children or young persons.

Although there is provision for Test Purchasing in terms of Section 105 of the Licensing (Scotland) Act, 2005, this is not a tactic that has been utilised in Tayside Division in the last year and is only used where there is evidence to support the requirement for a test. Unfortunately the time constraints and strict guidelines required for test purchase operations, often outweigh the feasibility and suitability for such operations to be undertaken within the short timescales that are desired. The tactic of Integrity Testing of licensed premise staff can however be utilised in conjunction with Trading Standards.

Warning letters can also be sent to the licence holder and or management of premises highlighting to them the extent of any alleged underage problems, whilst making it clear that unless the situation improves, further formal action is a likely consideration with matters being reported to the Licensing Board. This provides for remedial action to be taken and improvements to be made by staff to address the problem. This tactic has been utilised once in Tayside but not in Perth and Kinross in

the last year and is always followed up by a regime of tasked inspections to ensure compliance with licence conditions and support of the Licensing Objectives

Over the last year, the Divisional Licensing Team has also carried out joint operations with Immigration Enforcement/HMRC and Licensing Standards Officers, whereby off-sales premises have been visited with a view to ensuring standards are being adhered to and that staff are fully aware of their training and responsibilities in relation to the sale of alcohol to suspected underage persons or their agents. This joint approach often identifies other non-licensing related issues which can have a significant impact on the running of a business and as such it is noted that improvements and compliance in respect of liquor licensing legislation are achieved at the same time.

Our local Community Policing Teams endeavour to exploit every opportunity to obtain information and intelligence from any source including children and young persons themselves in respect of drinking habits, trends, the places of purchase and misuse of alcohol which allows for effective deployment of resources to tackle the situation.

TACKLING SERIOUS AND ORGANISED CRIME

Police Scotland works closely with our partners to prevent harm caused to individuals, communities and businesses by Serious and Organised Crime (SOC) and enhance our understanding and response to emerging cyber threats and internet enabled crime used by Serious and Organised Crime gangs who will continually attempt to launder their illegally obtained funds through apparently legitimate businesses.

Examples of Serious and Organised Crime (SAOC) Activity in the Board area -

At present there are no Serious and Organised Crime Groups based within Tayside Division. It should be noted however that SOCGs do not restrict themselves to geographical boundaries such as those surrounding local authority areas and as such, Serious and Organised Crime Groups will unfortunately impact on all communities.

Activity

In the last year Police Scotland has continued to take preventative measures to cut off the markets for Serious and Organised Crime products such as drugs and counterfeit goods. We have also worked with schools, prisons, communities and third sector organisations on diversionary activities in an attempt to prevent or reduce recruitment to Serious and Organised Crime Groups.

We have continued to focus on our four objectives to,

- **DIVERT** - Divert people from becoming involved in serious organised crime and using its products.
- **DETER** - Deter Serious Organised Crime Groups by supporting private, public and third sector organisations to protect themselves and each other.

- DETECT - Identify, detect and prosecute those involved in serious organised crime.
- DISRUPT - Disrupt Serious Organised Crime Groups.

Tayside Division continues to carry out intervention techniques to prevent SOCGs operating without being challenged and will continually seek opportunities to identify SOCG activity through intelligence gathering and conducting days of action along with partner agencies, focussing on illegal activities that may involve liquor licensed premises, late hours catering establishments, car wash premises and nail bars etc.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

Introduction

Police Scotland remains committed to maintaining a prevention, partnership and intelligence led approach to tackling violent crime, disorder and anti-social behaviour which can all be fuelled by excessive and uncontrolled alcohol misuse. We note that the impact of such has consequences that extend beyond victims, affecting families, communities and society as a whole.

We will ensure our people have the skills and knowledge to enable them to target and reduce violent crime, disorder and anti-social behaviour and will work with our partners to develop and deliver a collaborative approach to prevent these issues.

We will work in partnership to reduce and prevent harm from violence within private space and the link with alcohol use.

The role of our National Safer Communities Task Force and Violence Reduction Unit will be enhanced to ensure resources are deployed effectively and efficiently in a collaborative and planned manner whilst our local Community Policing Teams will continue to develop strong relationships with our communities to prevent anti-social behaviour.

The Divisional Licensing Team will continue to work closely with our National Licensing Policy Unit to ensure the local delivery of policing services by ensuring a consistent approach is taken in tackling alcohol related violence, disorder and anti-social behaviour linked to licensed premises.

We will be actively involved in the evaluation of minimum unit pricing of alcohol and we will ensure that our people are kept fully informed regarding any changes to licensing legislation and the tactical options available to them by way of a refreshed 'Alcohol Toolkit'.

By working closely with the licensed trade, we seek to improve licensing standards in premises by continuing the proactive approach adopted by the Divisional Licensing Team and maintaining a robust inspection policy throughout the Division to identify any potential shortcomings with appropriate reporting to the Licensing Board as required.

The Divisional Licensing Team are increasing their proactive approach across the area with more days of action, education seminars, and better use of enforcement options available to us.

To conclude we would like to thank you for your continued support and stress the importance of this collaborative problem solving approach. This ensures that police, licence holders and licensed premises staff have a better understanding of their responsibilities. We look forward

