

PERTH AND KINROSS LICENSING BOARD
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. INTRODUCTIONS

The Convenor introduced those present.

2. DECLARATIONS OF INTEREST

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. MAJOR VARIATION APPLICATIONS

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	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Operating Plan</u></p> <p>2 Amend the terminal hour as follows: Monday 12 midnight Tuesday 12 midnight Wednesday 12 midnight</p> <p>5 Amend as follows: Live performances YYY Dance Facilities YYY</p> <p>Box after 5(e) Add additional paragraph as follows: "Dancing facilities, live performances and recorded music may take place in extended hours granted by</p>

		<p>the board's seasonal variations policy."</p> <p>5(g) Amend to N/Y</p> <p><u>Conditions</u></p> <p>Revise the last paragraph of local condition 1 as follows:</p> <p>(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 the commencement of the function.</p>
<p>Knockendarroch House Hotel 2 Higher Oakfield Pitlochry Perthshire PH16 5HT</p>	<p>Speybank Ltd</p>	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Premises Licence</u></p> <p>Amend the name of the premises to 'Knockendarroch Hotel';</p> <p>Add to the premises licence holder details, company number, 'SC277631.';</p> <p>Amend Description of Premises to read:</p> <p>'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</p>

		<p>construction, timber floors with a pitched roof. Approximate floor area c.770m2 gross.'</p> <p><u>Operating Plan</u></p> <p>5 Amend as follows: Restaurant facilities YYN</p> <p>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.'</p> <p>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.'</p> <p>6(d) Amend to read: 'Resident children and young persons – 24 hours. Non-resident children and young persons – 11am – 11pm.'</p> <p>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.'</p> <p>7 Amend to '34 persons – 28 resident guests with the balance being non-resident diners.'</p> <p><u>Layout Plan</u></p> <p>Amend location and layout plans as sought.</p>
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<p>Owners and Trainers Restaurant Perth Racecourse Scone Palace Park Scone Perth PH2 6BB</p>	<p>Heritage Portfolio Limited C/o John Gaunt & Partners Omega Court 372 - 374 Cemetery Road Sheffield S11 8FT</p>	<p>Motion (Councillors Baird and Anderson) Grant subject to amending the premises licence as follows:</p> <p><u>Premises Licence</u></p> <p>Remove 'Owners and Trainers Restaurant' from the name 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.'</p> <p><u>Operating Plan</u></p> <p>2 Amend terminal licensed hours as follows: Monday 12 midnight Tuesday 12 midnight Wednesday 12 midnight Sunday 12 midnight</p> <p>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.'</p> <p>5 Amend as follows: Accommodation Y Gaming YYN</p> <p>Box after 5(e) Delete existing and insert instead: 'Conference facilities, Restaurant Facilities, Bar</p>
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		<p>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.</p> <p>The outside areas may be made available before core hours, but not normally before 08:00hrs.'</p> <p>5(f) 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</p>
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		<p>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.</p> <p>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.</p> <p>There is no general public entry. Entry by the public is limited and controlled, usually by way of a ticketed and/or pre-booked</p>
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		<p>event or race day. All licensed areas are enclosed by a physical barrier with restricted access.</p> <p>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.</p> <p>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.</p> <p>Outdoor licensed areas are not used during function hours save as part of the premises smoking solution.</p> <p>Function hours per Board policy.</p> <p>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</p>
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		<p>similar event is hosted at site e.g. a 'Farmers Market'</p> <p>Internal activities – quiz nights, club race nights, meeting rooms, cabarets, discos, karaoke, psychic nights, hypnotists etc.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>
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		<p>may be provided as an event throughout all of the licensed premises but only within social demand (core) hours.'</p> <p>5(g) Amend to 'NO/NO'</p> <p>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.'</p> <p>7 Delete existing and insert instead: 'On- Sale – 10,500 (whole site including buildings, grounds and external drinking areas) Specific Internal Building Capacities:</p> <ul style="list-style-type: none"> • Plan 2393/2 - Last Fence Marquee – 150 covers • Plan 2393/3 - Last Ditch Bar – 100 • Plans 2338/4 & 2238/5 - Nelson Stand – 600 • Plan 2238/6 - Club Stand – 582 • Plan 2238/7 - Club Lawn Marquee – 150 • Plan 2393/8 - Parade Ring Boxes - 60 (total) (across 3 suites) • Plan 2393/9 - Owners & Trainers – 150 • Plan 2338/10 - Dewhurst Stand– 160 (total) (across 7 suites) • Plan 2393/11 - The Barn – 400
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		<ul style="list-style-type: none"> Plan 2393/12 - Winning Post Bar– 100 Off-sales – nil' <p><u>Layout Plan</u></p> <p>Amend layout plans as sought.</p> <p><u>Conditions</u></p> <p>Add all late night opening mandatory conditions.</p> <p>Add local condition as follows:</p> <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> <p>(i) the training and supervision of staff involved in the sale and consumption of alcohol, including training on the terms of this premises licence and all relevant policies</p> <p>(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</p>
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		<p>(iii) number of registered stewards to be on duty 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</p> <p>(iv) noise mitigation</p> <p>(v) dispersal of patrons</p> <p>(vi) not serving drunk persons</p> <p>(vii) litter and waste management</p> <p>(viii) preventing the purchase and consumption of alcohol by or for a child or young person</p> <p>Motion: For – 8 votes; Against – 1 vote. Councillor James did not agree with the local condition.</p> <p>Determined in accordance with the Motion.</p>
<p>The Venue 38 St. John Street Perth PH1 5SP</p>	<p>The Venue (Perth) Ltd</p>	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Premises Licence</u></p> <p>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</p>

		<p>BEING AVAILABLE IN ALL AREAS".</p> <p><u>Operating Plan</u></p> <p>2 Amend the terminal hours as follows: Monday 12.00am Tuesday 12.00am Wednesday 12.00am</p> <p>4 Delete existing narrative and insert instead: "FESTIVE SOCIAL DEMAND (ALL AREAS), FESTIVE FUNCTION (ALL AREAS), FESTIVE ENTERTAINMENT HOURS (ALL AREAS) PER LICENSING BOARD POLICY"</p> <p>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".</p> <p><u>Conditions</u></p> <p>Amend local conditions as follows:</p>
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		<p>(1) Amend to read as follows: "THE OUTSIDE AREA SHALL BE OPERATED IN ACCORDANCE WITH THE LICENSING BOARD POLICY ON PAVEMENT CAFES."</p> <p>(5) Amend to read as follows: "THE PROVISION OF ALCOHOL IN ANY AREA WHEN OPERATING AS A PUBLIC ENTERTAINMENT VENUE IS ANCILLARY TO THE ENTERTAINMENT PROVIDED."</p> <p>(6) 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."</p> <p>(7) Amend to read as follows: "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 ENTERTAINMENT 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."</p> <p>(11) Amend to read as follows:</p>
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		<p>"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."</p> <p>(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."</p>
Tower Hotel East High Street Crieff PH7 3JA	The Sirple Ltd C/o Inn Business (Scotland) Limited Forsyth House	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Operating Plan</u></p>

	Lomond Court Castle Business Park Stirling FK9 4TU	<div>4</div> <div>Delete existing and insert instead: 'Festive social demand hours (premises offering no significant entertainment) and festive function hours as per Board policy.'</div> <div>5</div> <div>Amend as follows: Conference facilities YYY Theatre YYY Films YYY Indoor/outdoor sports YYY</div> <div>Box after 5(e)</div> <div><div>Delete existing and insert as follows: Conference facilities and Receptions – Conferences and Seminars and such Receptions as described above shall occasionally commence from 9.00am with the provision of morning facilities such as teas, coffees, and breakfasts. Restaurant facilities/Bar Meals – teas, coffees and breakfasts commence from 9.00am for residents and such facilities are also available for non residents. Club or other group meetings etc. – as for Receptions. Recorded music – background music shall occasionally be provided to enhance the provision pf morning Receptions, Club meetings, Conferences and Seminars. Live performances – dramatic, artistic, and musical performances by artistes shall occasionally be performed in the morning before licensing opening times but not after the terminal drinking hours to enhance Conferences, Seminars, Receptions and Club Meetings.</div></div>
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		<p>Dance Facilities, Theatre and Films – as for Live performances.</p> <p>Indoor/Outdoor sports – pool, snooker, darts, skittles and other similar “pub” games and pastimes are available from 9.00am.</p> <p>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.</p> <p>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.’</p> <p>5(f) Add new paragraph as follows:- “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.”</p> <p>5(g) Amend to ‘NO/NO’</p> <p>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.</p> <p>Non resident: children shall be accompanied by an adult at all times.</p> <p>Non resident: young persons will not be required to</p>
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		<p>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.'</p> <p>6(c) Amend to read 'All ages' only.</p> <p>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.'</p> <p>6(e) Delete existing and insert instead: 'All parts of the premises.'</p> <p>7 Add 'Off Sales – nil'.</p> <p><u>Layout Plan</u></p> <p>Amend layout plans as sought</p>
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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