

PERTH AND KINROSS LICENSING BOARD

Council Building
2 High Street
Perth
PH1 5PH

Wednesday, 16 January 2019

A Meeting of the **Licensing Board** will be held in **the Council Chamber, 2 High Street, Perth, PH1 5PH** on **Thursday, 24 January 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, 24 January 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 13 DECEMBER 2018 FOR APPROVAL AND SIGNATURE 5 - 12**
- 4 24 JANUARY 2019 AGENDA 13 - 16**
- 5 PREMISES LICENCE APPLICATIONS**
 - 5(i) BALKAN FOOD SHOP**
 - 5(ii) TIPPLE IN A TUK TUK LTD**
- 6 PROVISIONAL PREMISES LICENCE APPLICATIONS**
 - 6(i) THE FOOD WAREHOUSE BY ICELAND**
 - 6(ii) 32 ST JOHN STREET**
- 7 VARIATION (MAJOR) APPLICATION**
 - 7(i) GRINGOS**
- 8 PERSONAL LICENCE APPLICATION**
 - 8(i) ANGELA C TAYLOR**

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PERTH AND KINROSS LICENSING BOARD
Minutes of Statutory Meeting of the Licensing Board
Held on 13 December 2018

Present:-

Councillors Baird; Jarvis; Anderson (except determining Items 7 – The Robert Burns Lounge and 8 – Edward Gray); Brock, Doogan; Duff and Gray (except determining Items 7 – The Robert Burns Lounge and 8 – Edward Gray).

Councillor Baird presiding.

Also present: Colin Elliott, Depute Clerk to the Licensing Board; Louise Cormack, Licensing Standards Officer; Debra Merchant, Licensing Manager (except part of Items 7 – The Robert Burns Lounge and 8 – Edward Gray); Shona Michie, Licensing Enforcement Officer (for part of Items 7 – The Robert Burns Lounge and 8 – Edward Gray only); and PC Dorothy Black, 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 8 November 2018 was submitted and approved as a true record and authorised for signature.

4. **GAMBLING DRAFT STATEMENT OF PRINCIPLES 2019-2022**

The Board considered the Report before it including the consultation responses received and approved its finalised Gambling Statement of Principles for 2019-2022 as consulted upon.

5. **PREMISES LICENCE APPLICATION**

Premises	Applicant	Decision
Outbuilding Strathardle Cockairney Feus Cleish Kinross KY13 0LQ	Freshwater Wine Merchants	Grant subject to mandatory conditions, and Local Condition (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: (i) the taking of orders and subsequent delivery of alcohol out with the premises.

6. **MAJOR VARIATION APPLICATIONS**

Premises	Applicant	Decision
Black Watch Museum Balhousie Castle Hay Street Perth PH1 5HR	Anne Kinnes	Grant subject to amending the premises licence as follows: <u>Operating Plan</u>

		<p>7 Amend On sales to 249 persons; Add, 'Off sales – 2.51m2'</p> <p>8(c) Amend premises manager address as stated</p> <p><u>Layout Plan</u></p> <p>Amend location and layout plan as sought.</p>
<p>Dobbies Garden World Huntingtower Park Crieff Road Perth PH1 3JJ</p>	<p>Dobbies Garden Centres PLC C/O Shepherd & Wedderburn 5th Floor 1 Exchange Crescent Conference Square Edinburgh EH3 8UL</p>	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Operating Plan</u></p> <p>1(a) Amend to 'NO'</p> <p>1(c) Amend to 'YES'</p> <p>3 Amend to 10am to 10pm, 7 days per week</p> <p>4 Amend to 'NO'</p> <p>Box after 5(e) Add a new paragraph as follows, 'Live music may be played in the restaurant on occasion and in connection with any functions/events as required. Recorded music may be played throughout the store.'</p> <p>5(f) Delete existing and insert instead: 'Retail is provided throughout the building.'</p> <p>6(b) Delete existing and insert instead: 'Restaurant area:-</p> <ul style="list-style-type: none"> • Children aged 12 and over may access the restaurant area unaccompanied. • Children under 12 require to be accompanied by an adult. • Young persons have unaccompanied access at all times.

		<p>Children and Young Persons may access the remainder of the premises (excluding the restaurant area) unaccompanied.'</p> <p>6(d) Delete existing and insert instead: 'Children and young persons will be permitted access at all times during the opening hours of the garden centre and no later than core hours.'</p> <p>6(e) Delete existing and inserted instead: 'All public parts of the premises.'</p> <p>7 Delete existing and insert instead: 'Restaurant area (on sales) – 295 persons Off sales – 3.74m2'</p> <p>8(d) Add email address as sought.</p> <p><u>Layout Plan</u></p> <p>Amend (revised) layout plan as now sought</p> <p><u>Conditions</u></p> <p>Amend existing local condition as follows: (1) the provision of alcohol for consumption on the premises is ancillary to the provision of food and non-alcoholic beverages on the premises.</p>
Hilton Dunkeld House Hotel Dunkeld Perthshire PH8 0HX	Dunkeld House Hotel LLP	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Premises Licence</u></p> <p>Amend Name and Address of Premises to read: "Dunkeld House Hotel, Blairgowrie Road, Dunkeld, Perthshire, PH8 0HX".</p>

		<p><u>Operating Plan</u></p> <p>5(f) In the second paragraph, third line, delete the words: “April to September”</p> <p>5(g) Amend to ‘NO/NO’</p> <p>6(d) Amend to read: ‘Children are discouraged after 8pm in the restaurant unless attending a function but otherwise children and young persons are permitted in the hotel at all times.’</p> <p>7 Amend as follows: Amend On sales to ‘775’; Delete reference to Polney meeting room; Delete reference to Inver meeting room; Delete reference to Ordie meeting room; and Add at the end, ‘Marquee – 250’</p> <p><u>Layout Plan</u></p> <p>Amend location/outdoor area plan as sought.</p> <p><u>Conditions</u></p> <p>Add the first aider mandatory late opening condition.</p> <p>The Board noted that a major variation application is to be submitted to revise various aspects of the operating plan and layout plans to reflect how the business now operates.</p>
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7. PREMISES LICENCE REVIEWS

Premises	Applicant	Decision
162 High Street Auchterarder Perthshire PH3 1AD	Perth and Kinross Licensing Board	<p>Grounds for review are established on the basis of breach of mandatory condition 10(2) of the premises licence.</p> <p>Thereafter, the Board suspended the premises licence with immediate effect until such time as the annual fees due are paid, as necessary and appropriate for the purposes of all of the licensing objectives.</p>
All Seasons Bistro 98 High Street Auchterarder Perth PH3 1BJ	Perth and Kinross Licensing Board	The Board noted that the review proposal had been withdrawn as the premises licence has been surrendered.
Glenlyon Post Office, Bridge of Balgie, Glenlyon, Aberfeldy PH15 2PP	Perth and Kinross Licensing Board	<p>Grounds for review are established on the basis of breach of mandatory condition 10(2) of the premises licence.</p> <p>Thereafter, the Board revoked the premises licence with immediate effect, as necessary and appropriate for the purposes of all of the licensing objectives.</p>
Kinloch Arms Hotel The Square Meikle Perthshire PH12 8RN	Perth and Kinross Licensing Board	The Board noted that the review proposal had been withdrawn as the annual fees had been paid.
Reid's Cafe Bistro 32-34 High Street Perth PH1 5TQ	Perth and Kinross Licensing Board	<p>Grounds for review are established on the basis of breach of mandatory condition 10(2) of the premises licence.</p> <p>Thereafter, the Board suspended the premises licence</p>

		with immediate effect until such time as the annual fees due are paid, as necessary and appropriate for the purposes of all of the licensing objectives.
The Ice Factory 6 Shore Road Perth PH2 8BW	Perth and Kinross Licensing Board	The Board noted that the review proposal had been withdrawn as the annual fees had been paid.
The Robert Burns Lounge 3 County Place Perth PH2 8EE	Police Scotland	<p>Grounds for review are established on the basis of grounds relevant to the licensing objective:</p> <ul style="list-style-type: none"> (e) protecting children and young persons from harm, in relation to an incident on 3 November 2018 by: <ul style="list-style-type: none"> (i) admitting a 16 and a 17 year old onto the premises contrary to the premises licence, and (ii) selling alcohol to a 17 year old. <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 objective:</p> <ul style="list-style-type: none"> (e) protecting children and young persons from harm, that a written warning is issued to the premises licence holder.

8. PERSONAL LICENCE REVIEW

Licence Holder	Applicant	Decision
Edward Gray	Police Scotland	No finding was made that the personal licence holder acted in a manner inconsistent with the licensing objectives.

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Meeting 24 January 2019 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	BALKAN FOOD SHOP 27 HIGH STREET PERTH PH1 5TJ	SORIN CHRISTIAN POPESCU	1 November 2018	Cited for 10am
2	TIPPLE IN A TUK TUK LTD ALEXANDRA COTTAGE 3 CAROLINE PLACE WOLFHILL PERTH PH2 6TJ	TIPPLE IN A TUK TUK LTD	16 November 2018	Cited for 10am

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Licensing (Scotland) Act 2005

Provisional(s)				
	Premises	Applicant	Date Received	Comments
3	THE FOOD WAREHOUSE BY ICELAND UNIT 9 ST CATHERINE'S RETAIL PARK PERTH PH1 5XA	ICELAND FOODS LIMITED	27 November 2018	Cited for 10am
4	32 ST JOHN STREET PERTH PH1 5SP	FRANCIS BURGER-SEED	15 November 2018	Cited for 10.30am

PERTH AND KINROSS LICENSING BOARD**Meeting 24 January 2019 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
5	GRINGOS 76-78 CANAL STREET PERTH PH2 8HX	B M TAVERNS LTD	17 December 2018	Cited for 10.30am

PERTH AND KINROSS LICENSING BOARD**Meeting 24 January 2019 at 10:00 am in Council Chamber, Ground Floor, 2 High Street, Perth, PH1 5PH****Licensing (Scotland) Act 2005****Personal Licence(s)**

Applicant		Date Received	Comments
6	ANGELA CATHERINE TAYLOR	16 August 2018	Continued from Meeting on 8 November 2018 Cited for 11am