

PERTH AND KINROSS LICENSING BOARD

Council Building
2 High Street
Perth
PH1 5PH

07/09/2022

A hybrid meeting of the **Licensing Board** will be held in the **Council Chamber** on **Thursday, 22 September 2022 at 14:00.**

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, 22 September 2022

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 MEETING OF 15 AUGUST 2022 FOR APPROVAL AND SIGNATURE** **5 - 10**
- 4 AGENDA - 22 SEPTEMBER 2022** **11 - 12**
- 5 REPORT TO BOARD ON THE ROYAL NATIONAL MOD 2022** **13 - 18**
- 6 VARIATION (MAJOR) APPLICATIONS**
- 6(i) NEWSAGENT, 33 GARTH AVENUE, PERTH**
- 6(ii) PITLOCHRY FESTIVAL THEATRE**

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PERTH AND KINROSS LICENSING BOARD

Minute of Meeting of the Licensing Board

Held in Chambers, 2 High Street, Perth and virtually on 15 August 2022

Present:-

Councillors Anderson; (Bailie) Ahern; Barrett; MacPherson; Parrott (Up to and including Item 7, Harrison's Fine Wines); G Stewart; and (Bailie) Williamson.

Councillor Barrett presiding.

Also present: Colin Elliott, Depute Clerk to the Licensing Board; Debra Gilkison, Licensing Manager; Louise Cormack, Licensing Standards Officer and Shona Douglas, Licensing Paralegal.

1. WELCOME AND APOLOGIES

The Convener welcomed those present.

Apologies were received from Bailie Brock and Councillor James.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The Minutes of the Meetings of 4 and 7 July 2022 were submitted and approved as a true record and authorised for signature.

4. ANNUAL FUNCTIONS REPORT 2021-2022

The Board discussed and approved the Annual Functions Report for 2021-2022.

5, ANNUAL FINANCIAL REPORT 2021-2022

The Board discussed and noted the terms of the Annual Financial Report for 2021-2022 and agreed to publish the report. The Board also requested further information, to be provided informally, on the financial statement for 2021-2022; the accommodation costs not in the statement; and the full costs of the new employee and how that would be reflected in a future financial statement.

6. REPORT TO BOARD – GAMBLING STATEMENT OF PRINCIPLES 2022

The Board considered the Report before it including the consultation response received and approved the amended Gambling Statement of Principles for 2022-2025, subject to the amendment referring to paragraph 19.6, not 19.5, and agreed to publication.

7. NEW PREMISES APPLICATIONS

Premises	Applicant	Decision
Cafe Kisa 127 - 129 High Street Auchterarder PH3 1AA	Cafe Kisa Auchterarder Ltd	Downgrade the application to a provisional premises licence, Thereafter, grant subject to mandatory conditions.
Harrisons Fine Wines 39-41 King Street Crieff	Harrisons Fine Wines Limited	Grant subject to mandatory conditions, and Local Condition

Premises	Applicant	Decision
Perthshire PH7 3AX		<p>(1) Written policies 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>The premises licence is not to be issued until Susan Harrison is no longer the designated premises manager for another premise or is replaced by another designated premises manager.</p>
Huffman's Ltd, t/a BoxWorx Unit 1 Lawgrove Place Inveralmond Industrial Estate Perth PH1 3XQ	Huffman's Limited	<p>Grant subject to mandatory conditions, and</p> <p>Local Condition</p> <p>(1) Written policies 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>

8. VARIATION (MAJOR) APPLICATIONS

Premises	Applicant	Decision
Newsagent 33 Garth Avenue Perth	Kamalaseelan Kanagasingham	At the agent's request, the application was deferred to a future meeting of the Board.

PH1 2LG		
The Spar The Square Meigle Blairgowrie PH12 8RN	CJ Lang & Son Limited	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Operating Plan</u></p> <p>3 Amend the terminal hour to 10pm, 7 days per week</p> <p>5 Amend as follows: Recorded music YYY Gaming YYY Box after 5(e) Add as follows: ‘The premises may open for general trade prior to the commencement of core hours. Recorded music may be played, such as Spar Radio, prior to the commencement of core hours. This is background levels only. National Lottery tickets/cards can be purchased prior to core hours.’</p> <p>5(f) Delete existing and insert instead: ‘The primary activity undertaken in the premises is the general retail sale of the following: Groceries, confectionery, bread & cakes, crisps/snacks, non-foods, toiletries, frozen & chilled foods, fruit/vegetables/flowers, news & magazines, toys, tobacco & cigarettes, beers/wines/spirits and other alcoholic products, non-alcoholic drinks. Charity collection point and charitable events take place. Food to go. Click & collect. Home deliveries & internet sales via Snappy Shopper. Paypoint payment. National Lottery outlet. External automated cash machine. Sampling & promotional</p>

		<p>activities.'</p> <p><u>Condition</u></p> <p>Add local condition as follows:</p> <p>(1) Written policies 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>
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9. OCCASIONAL LICENCE APPLICATION

Premises	Applicant	Decision
Otherlands - BR7 - Artist & Guest Campsite Bar Scone Palace Grounds Scone Perth PH2 6BD	Michael Donovan	<p>Restrict the terminal hour on Friday night to 2am, Saturday night to 2am and Sunday night to 1am, and thereafter,</p> <p>Grant subject to mandatory conditions, and</p> <p>Local Conditions</p> <p>(1) The licence holder shall at all times operate in accordance with the submitted Alcohol Management Plan, including appendices, and with the Site Plan</p> <p>(2) The licence holder shall make available to the Board copies of refusal logs or other refusal records within two months of the event taking place</p> <p>(3) Individual bar management team details to be provided to the Licensing Standards Officer no later</p>

		<p>than Wednesday 17 August 2022</p> <p>(4) A minimum of two SIA registered door supervisors shall be present at the bar access point during all licensed hours, and all until half an hour after each day's terminal hour or half an hour after closure of the bar, whichever is the earlier</p>
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PERTH AND KINROSS LICENSING BOARD

Meeting 22 September 2022 at 2:00 pm , Council Chamber (Hybrid), 2 High Street, Perth, PH1 5PH

Licensing (Scotland) Act 2005

Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
1	NEWSAGENT 33 GARTH AVENUE PERTH PH1 2LG	KAMALASEELAN KANAGASINGAM	8 June 2022	Objections Cited for 2pm Participation by: Agent - in person; Licence Holder - tbc
2	PITLOCHRY FESTIVAL THEATRE PORT-NA-CRAIG PITLOCHRY PH16 5DR	PITLOCHRY THEATRE TRADING LIMITED	10 March 2022	Cited for 2.15pm Participation by: Agent - Video Conferencing

PERTH AND KINROSS LICENSING BOARD

Board Meeting: 19 September 2022

Report by Clerk to the Licensing Board

PURPOSE OF REPORT

This report advises of the Royal National Mòd taking place in Perth on 14 – 22 October 2022 and sets out the options open to Perth and Kinross Licensing Board for extending licensed hours and extending occasional licensed hours for the sale and consumption of alcohol within Perth and Kinross, excepting the licensing of the Royal National Mòd event itself.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Royal National Mòd is due to take place in Perth from Friday 14 October to Saturday 22 October 2022. The last time the Royal National Mòd was held in Perth was in 2004.
- 1.2 Hosted by Perth and Kinross Council and organised in partnership with An Comunn Gàidhealach, Horsecross Arts, Culture PK and the Local Organising Committee, this eight-day festival celebrating Gaelic language and culture is held annually in a different Scottish town or city bringing up to approximately 7,500 visitors to the host area and over £1 million to the local economy.
- 1.3 There are over 200 competitions throughout the event ranging from traditional instruments like accordion, fiddle and piping, to solo Gaelic singing, storytelling, poetry, sport and choir competitions. The first half of the week is dedicated to children's competitions, while the second half is for adults. It draws in fluent and learner Gaelic speakers alike, with a host of other interested attendees. In addition to the competitive events there will be a large fringe programme. The main event venues for physical performances and competitions will be Perth Concert Hall, Perth Theatre and the North Inch Community Campus.
- 1.4 As well as the Mòd competition element itself there is the Mòd Fringe or Fèis with events taking place in the late evening after official competition for music, poetry readings debates etc. Fèis events may continue beyond the Perth and Kinross Licensing Board's social demand or function hours, as set out in the Licensing Board's Policy Statement.

The Licensing Board's Policy Statement sets out the following licensed hours:
Social demand hours (where there is no specific entertainment)

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Annually except festive period	12am	12am	12am	12.30am	12.30am	12.30am	12am
Festive period	1am	1am	1am	1am	1am	1am	1am

Functions (where there is specific entertainment)

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Annually except festive period	1am	1am	1am	1.30am	1.30am	1.30am	1am
Festive period	1.30am	1.30am	1.30am	1.30am	1.30am	1.30am	1.30am

- 1.5 A request has been made that the Licensing Board considers whether to grant a general extension of licensed hours for on sales premises which are providing Mòd Fringe or Fèis related entertainment within Perth City Centre to 2am, from Friday 14 October 2022 to the early morning of Sunday 23 October 2022. Perth City Centre is considered to be within the four ring roads of Caledonian Road, Atholl Street, Tay Street, and Marshall Place.
- 1.6 In terms of the Licensing (Scotland) Act 2005, Section 67 a Licensing Board may, if they consider it appropriate to do so in connection with a special event of local or national significance, make a determination extending licensed hours by such period as the Board may specify. It is a matter for the Board whether that determination applies to:
- (a) the whole of the Licensing Board's area or only specified parts,
 - (b) licensed hours generally or only to specific descriptions of licensed hours,
 - (c) all licensed premises or only to specified descriptions of premises, and
 - (d) for such period as the Board may specify.

Perth and Kinross Licensing Board therefore has flexibility in determining whether any extension of licensed hours applies; to what area; for what types of licensed hours; to what types of premises; and for what period.

- 1.7 It is proposed that, given the scale of the event, a general extension to allow extended social demand hours for licensed premises which have Mòd Fèis related entertainment taking place within Perth City Centre (as defined at Appendix 1 of this report) could be granted. Should licensing hours be

extended, the extension could apply from the evening/night of Friday 14 October 2022 until the early morning of Sunday 23 October 2022.

- 1.8 Any premises who wish to operate extended hours will require to have a trained first aider on the premises after 1am. This is a requirement of the 2005 Act and is also referenced in Condition 1 of the mandatory conditions for licenced premises for late hours opening. This condition will therefore apply to any premises licence which operates beyond 1am under any general extension granted.
- 1.9 Should any applications for occasional licences or extended hours be received for premises which are not conferred by any general extension of hours, but where Mòd Fèis related entertainment is being held, then they will be considered on their own merits, taking into account any general extension the Licensing Board may grant under this report and will be dealt with under delegated powers.

Other issues

- 1.10 For a general extension of hours, the Board is obliged to give notice of its determination to the Chief Constable and to holders of premises licences and occasional licences to which it applies. It must also be published in such manner as the Board thinks fit.

2. PROPOSALS

- 2.1 The Board has three possible courses of action open to it:

Option 1 – Decline to grant an extension of licensed hours, whether by way of a general extension of hours or by way of extended hours applications and occasional licence applications being submitted.

Option 2 – Agree that the Mòd Fèis is a special event of local and national significance such that during the period of Friday 14 October 2022 to Sunday 23 October 2022 the following extended hours will apply for on sales: 2am.

Option 3 – Agree that the Mòd Fèis is a special event of local and national significance such that during the period of Friday 14 October 2022 to Sunday 23 October 2022 but agree a different terminal hour.


3. CONCLUSION AND RECOMMENDATIONS

- 3.1 This report refers to the Royal National Mòd Fèis element due to take place in Perth on 14-22 October 2022 and sets out the options available to Perth and Kinross Licensing Board for extending licensed hours for existing licensed premises and extending licensed hours for non-licensed premises within Perth City Centre where related entertainment is taking place.

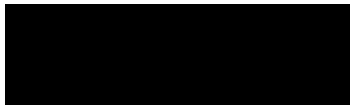
3.2 The Board is requested to:

- (i) Consider the terms of this report; and
- (ii) Make an appropriate determination.

Author(s)

Name	Designation	Contact Details
Debra Gilkison	Licensing Manager	

Approved

Name	Designation	Signature
Sarah Rodger	Legal Manager	
Date: 6 September 2022		

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Council Text Phone Number 01738 442573

ANNEX

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Statement of Policy	None
Resource Implications	
Financial	Yes
Workforce	Yes
Assessments	
Equality Impact Assessment	None
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

- 1.1 This Report relates to extending licensed hours beyond the Board's normal or policy hours. Any determination made has to relate to an event of local or national significance. No precedent would be set in respect of existing normal or policy hours any extension relates to that particular event.

2. Resource Implications

Financial

- 2.1 The Board is expected to be self-funding. A general extension of licensed hours without requiring applications means a £10 fee per application will not be received, however, the effect on resources of receiving numerous applications outweighs the receipt of any income.

Workforce

- 2.2 As set out in this Report, there will be an effect on resources should extended hours or occasional licence hours be received, however, if a general extension not requiring applications for social demand hours is granted, that is expected to greatly reduce the number of applications and the effect on workplace resources.

3. Assessments

- 3.1 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) using the Integrated Appraisal Toolkit and have been assessed as **Yes – completely true** for the purposes of EqIA.

4. Consultation

- 4.1 This report has been circulated to Police Scotland and any comments received will be given to the Board at the meeting on this Report.

5. Communication

- 5.1 Notification of any determination made by the Board must be given to the Chief Constable, premises licence holders and others. Press statements will also be prepared.

2. BACKGROUND PAPERS

Licensing (Scotland) Act 2005;
Perth and Kinross Licensing Board Statement of Policy;

3. APPENDICES

None