

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>
<p>Hilton Dunkeld House Hotel Dunkeld Perthshire PH8 0HX</p>	<p>Dunkeld House Hotel LLP</p>	<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 Meigle 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> <p>(e) protecting children and young persons from harm, in relation to an incident on 3 November 2018 by:</p> <p>(i) admitting a 16 and a 17 year old onto the premises contrary to the premises licence, and</p> <p>(ii) selling alcohol to a 17 year old.</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 objective:</p> <p>(e) protecting children and young persons from harm, that a written warning is issued to the premises licence holder.</p>

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.