

PERTH AND KINROSS LICENSING BOARD

Council Building
2 High Street
Perth
PH1 5PH

Thursday, 12 April 2018

A Meeting of the **Licensing Board** will be held in **the Council Chamber, 2 High Street, Perth, PH1 5PH** on **Thursday, 19 April 2018 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, 19 April 2018

***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 INTRODUCTION

2 DECLARATIONS OF INTEREST

3 MINUTES OF 8 MARCH 2018 FOR APPROVAL AND SIGNATURE

4 REPORT ON DISABILITY ACCESS AND FACILITY STATEMENT

APPENDIX 1

5 AGENDA

6 PERSONAL LICENCE

MICHELLE ROBERTSON

7 PREMISES LICENCE APPLICATION

ALTAMOUNT HOUSE

8 VARIATION (MAJOR) APPLICATIONS

CRIDOS

GLENDICK

NIBLICK

SCONE PALACE

CREES INN

HOUSE OF BRUAR

NORTH PORT

9 PREMISES LICENCE REVIEWS

MCCOLLS

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PERTH AND KINROSS LICENSING BOARD
Minutes of Statutory Meeting of the Licensing Board
Held on 8 March 2018

Present:-

Councillors Baird; Jarvis; Doogan; Gray; Pover; and Wilson.

Councillor Baird presiding.

Also present: Colin Elliott, Depute Clerk to the Licensing Board; Louise Cormack, Licensing Standards Officer; Gordon Lindsay, Building Standards Manager, Perth and Kinross Council; Police Constable Mark Reid, 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 25 January 2018 was submitted and approved as a true record and authorised for signature.

4. PROVISIONAL PREMISES LICENCE APPLICATION

Premises	Applicant	Decision
Unorthodox Roasters 129 High Street Kinross KY13 8AQ	Unorthodox Roasters Ltd	<p><u>Layout Plan</u></p> <p>Emergency lighting should be fitted to the premises. Consequently, an amended layout plan is required showing the position of the emergency lighting.</p> <p>Thereafter, grant subject to mandatory conditions.</p> <p>Note:- The Board also advised the Applicants to ensure that there is disabled access to a toilet on the premises within 24 months.</p>

5. VARIATION (MAJOR) APPLICATIONS

Premises	Applicant	Decision
Costa/Travelines Perth Railway Buffet Perth Railway Station Leonard Street Perth PH2 8HA	Caterleisure Services Ltd C/o Womble Bond Dickinson LLP 3 Temple Quay Temple Back East Bristol BS1 6DZ	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Operating Plan</u></p> <p>5 Amend as follows: Gaming NNN Outdoor drinking NNN Box after 5(e) Delete the last two paragraphs 5(f) Delete existing paragraph</p>

		<p>7 Amend as follows: On sales – 50 Off sales - 4.16m2</p> <p><u>Layout Plan</u></p> <p>Amend the layout plan as sought.</p>
<p>Kisa's Restaurant 1 Mill Street Perth PH1 5HZ</p>	<p>Kisa's Ltd</p>	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Operating Plan</u></p> <p>Box after 5(e) Delete the words 'or private functions'</p> <p>7 Amend On Sales capacity to 152 persons</p> <p>8 Amend Premises Manager email address contact details as sought.</p> <p><u>Layout Plan</u></p> <p>Amend the layout plan as sought.</p> <p><u>Conditions</u></p> <p>Amend existing local condition 2 as follows:</p> <p>(2) The outside seating area(s) shall be operated in accordance with the Licensing Board's Policy on Pavement Cafes.</p>
<p>Le Jardin Café Turfhills Kinross KY13 7NQ</p>	<p>Kim Wightman</p>	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Operating Plan</u></p> <p>5 Amend activities to include:</p>

		Recorded Music YYN Box after 5(e) Add as follows: 'Restaurant facilities may be provided before core hours'
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6. **EXTENDED HOURS APPLICATION**

Premises	Applicant	Decision
Kinross House Kinross KY13 8ET	First Sight Estates Ltd	Granted

7. **PERSONAL LICENCE APPLICATION**

Applicant	Decision
Michelle Robertson C/o GNE Consultancy Ltd 47 Wallace Brae Drive Reddingmuirhead Falkirk FK2 0FB	Defer to a future meeting of the Board for the Applicant to appear.

PERTH AND KINROSS LICENSING BOARD

Board Meeting: 19 April 2018

DISABLED ACCESS AND FACILITIES STATEMENT

Report by Clerk to the Licensing Board

PURPOSE OF REPORT

This report advises of the new requirement for premises and provisional premises licence applicants to submit a Disabled Access and Facilities Statement setting out how accessible the venue is and what facilities there are for disabled persons on the premises.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Criminal Justice and Licensing (Scotland) Act 2010 amended Licensing (Scotland) Act 2005 to require applicants for a premises or provisional premises licence, whether for consumption on or off the premises, to provide a Disabled Access and Facilities Statement (DAFS). That requirement was brought into force on 30 March 2018. This Report explains what a DAFS is and how it fits within the application process. No decision is required by the Board on this Report.
- 1.2 The requirement for a DAFS came from the 'Barred' campaign which sought to make accessibility information about licensed premises publically available to make it easier for disabled people to find out about access and facilities provided. For reasons stated later in this report, the new legislative requirements do not achieve that accessibility of information, however, Licensing are working on finding a way to make DAFSs available on the Board's webpages.
- 1.3 A copy of the DAFS form is attached as Appendix 1 to this report.
- 1.4 A DAFS must be submitted by an applicant for a premises or provisional premises licence. It does not require to be submitted with a variation application for an existing premises licence or any other type of application. The applicant should set out (a) how accessible the premises are for disabled people e.g. ramps, accessible floors, signage; (b) what facilities are available for disabled people, e.g. disabled toilets, lifts, accessible tables; and (c) any other provisions for the use of the premises by disabled people, e.g. assistance dogs welcome, large print menus.
- 1.5 The DAFS is not part of a premises or provisional premises licence application but must be submitted along with that application (in the same way that Section 50 certificates are required but are not strictly part of the application).

Failure to provide a DAFS means that an application is not complete and is not processed. Failure to provide is not a ground of refusal.

- 1.6 The requirement does not compel the venue to provide any specific aids/access for disabled people. Nor does it interfere with the existing duty under equality law to make reasonable adjustments to ensure that a disabled person can gain access and use a service. The Scottish Government hope that the DAFS will raise awareness amongst applicants and that they may take improvement actions, however, there is no requirement to do so. The role of the Licensing Board is limited. A completed DAFS must be submitted. Officers can endeavour to ensure each statement is completed to a reasonable standard, however, as the duty to make reasonable adjustment lies in other legislation, it is not for the Board to enforce that duty by way of seeking works be undertaken to the premises. In these circumstances, and as the stated purpose of a DAFS is to provide information to disabled persons, completed forms will not be submitted to the Board when considering a premises or provisional premises licence application.
- 1.7 The Scottish Government have produced guidance for applicants that encourages them to make their statement publically available by, for example, placing it on their own website, however, they are not required to do so. Further, a Licensing Board is not required to publish a DAFS. It has not been made part of the Licensing Register.
- 1.8 DAFSs only apply to new premises and provisional premises, not existing premises. As premises licences are perpetual, the number of DAFSs compared to the number of licensed premises will remain small for a long number of years. Each DAFS will also become out of date over time. As stated, although there is no requirement to publish these statements, Licensing are exploring the possibility of placing each DAFS, possibly as a download, on the Board's webpages.

2. PROPOSALS

- 2.1 The purpose of this report is to advise the Board of the new requirement for applicants for a premises or provisional premises licence to submit a Disabled Access and Facilities Statement.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 The Board is requested to note the content of this Report.

Author(s)

Name	Designation	Contact Details
Colin Elliott	Solicitor and Depute Clerk	Ext. No. 75131 Email: cdeliott@pkc.gov.uk

Approved

Name	Designation	Signature
Lisa Simpson	Clerk to Perth and Kinross Licensing Board	
Date 23 March 2018		

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Council Text Phone Number 01738 442573

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Statement of Policy	No
Resource Implications	
Financial	No
Workforce	Yes
Assessments	
Equality Impact Assessment	None
Consultation	
Internal	No
External	No
Communication	
Communications Plan	No

1. Strategic Implications

- 1.1 This Report relates to the requirement for specified applicants to submit a DAFS.

2. Resource Implications

2.1 Workforce

Further time and resources will be expended by officers to make sure DAFSs are submitted to a reasonable standard.

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 As the purpose of this Report is to provide an update consultation, either internally or externally, has not been undertaken.

5. Communication

- 5.1 No communication plan has been prepared, however, officers will ensure applicants submit their DAFS when required. The DAFS and Guidance will be posted on the Board's webpages.

2. BACKGROUND PAPERS

- The Premises Licence (Scotland) Amendment Regulations 2018
- Guidance for Completing a Disabled Access and Facilities Statement, Scottish Government, March 2018

3. **APPENDICES**

- 1 Disabled Access and Facilities Statement

SCHEDULE

“SCHEDULE 6

Regulation 7

DISABLED ACCESS AND FACILITIES STATEMENT

*Licensing (Scotland) Act 2005, section 20(2)(b)(ia)***Question 1****Disabled access and facilities**

1(a)	Is there disabled access to the premises	YES / NO*
1(b)	Do you have facilities for those with a disability	YES / NO*
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES / NO*
*Delete as appropriate		

If you have answered Yes to any of the questions above please complete, as appropriate, the following sections.

Question 2**Disabled access to, from and within the premises**

Please provide clear and detailed description of how accessible the premises are for disabled people. e.g. ramps, accessible floors, signage.

Question 3

Facilities available

Please describe in detail the facilities provided for disabled people. e.g. disabled toilets, lifts, accessible tables.

Question 4

Other provisions

Please provide details of any other provisions made to aid the use of the premises by disabled people. e.g. assistance dogs welcome, large print menus.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this disabled access and facilities statement are true to the best of my knowledge and belief.

Signature * (see note below)

Date

Capacity APPLICANT/AGENT

Telephone number and email address of signatory.....

*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.”

PERTH AND KINROSS LICENSING BOARD

Meeting 19 April 2018 at 10:00 am in Council Chambers, Ground Floor, 2 High Street, Perth, PH1 5PH

Licensing (Scotland) Act 2005

Personal Licence(s)

Applicant		Date Received	Comments
1	MICHELLE ROBERTSON C/O GNE CONSULTANCY LTD 47 WALLACE BRAE DRIVE REDDINGMUIRHEAD FALKIRK FK2 0FB	15 January 2018	Relevant offence confirmed by Police Scotland. Continued from Meeting of 8 March 2018 for Applicant to appear. Cited for 10.00am

PERTH AND KINROSS LICENSING BOARD

Meeting 19 April 2018 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
2	ALTAMOUNT HOUSE COUPAR ANGUS ROAD BLAIRGOWRIE PERTHSHIRE PH10 6JN	ALTAMOUNT LTD	14 February 2018	Cited for 10.30am

PERTH AND KINROSS LICENSING BOARD

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Licensing (Scotland) Act 2005

Variation (Major)(s)				
	Premises	Applicant	Date Received	Comments
3	CRIDOS 6 ST JOHN'S PLACE PERTH PH1 5SZ	CRIDOS LIMITED C/O JANET HOOD JANET HOOD CONSULTING KIRKTON OF BALFOUR EDZELL BRECHIN ANGUS DD9 7XU	5 March 2018	Objection and ES Memo Representation Cited for 10.30am
4	GLENDICK GARDEN CENTRE & RESTAURANT GLENDICK PERTH PH2 7NS	GLENDICK GARDENS LTD	21 February 2018	Cited for 11.00am
5	NIBLICK 2 CROWN COURT HIGH STREET AUCHTERARDER PH3 1DF	GREENE KING RETAILING LIMITED C/O TLT LLP SOLICITORS LP10 GLASGOW 6	6 March 2018	Objection Cited for 11.00am
6	SCONE PALACE SCONE PALACE PERTH PH2 6BD	HEATHER JANE MCARTHUR C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	2 March 2018	Cited for 11.30am

PERTH AND KINROSS

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Licensing (Scotland) Act 2005

Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
7	THE CREE'S INN MAIN STREET ABERNETHY PERTHSHIRE PH2 9LA	L.G.C INNS LTD	6 March 2018	Objection, ES Objection and Planning Representation Cited for 11.30am
8	THE HOUSE OF BRUAR BY BLAIR ATHOL PERTHSHIRE PH18 5TW	THE HOUSE OF BRUAR	7 March 2018	Cited for 12 noon
9	THE NORTH PORT RESTAURANT 8/12 NORTH PORT PERTH PH1 5LU	ANDREW DUNCAN MOSS	27 February 2018	Cited for 12 noon

PERTH AND KINROSS LICENSING BOARD

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Licensing (Scotland) Act 2005

Premises Licence Review(s)

	Premises	Applicant	Date Received	Comments
10	MCCOLLS 168 OAKBANK ROAD PERTH PH1 1HA	PERTH AND KINROSS LICENSING BOARD	20 March 2018	Non-Cited
11	R S MCCOLL 13 HIGH STREET CRIEFF PH7 3HU	PERTH AND KINROSS LICENSING BOARD	20 March 2018	Non-Cited
12	R.S. MCCOLL 189 RANNOCH ROAD LETHAM PERTH PH1 2DP	PERTH AND KINROSS LICENSING BOARD	20 March 2018	Non-Cited

