



Perth and Kinross Licensing Board

Policy Statement under the Licensing (Scotland) Act 2005

201318 – 202318

*~~[Please note that the period of effect of this
Policy Statement has been extended to 3
November 2018 – Licensing Board decision on
22 April 2016]~~*

Background and Additional Information

The purpose of this document is to (i) show possible changes to the existing Perth and Kinross Licensing Board Licensing Policy Statement, and (ii) provide information, all with a view to the Board deciding the terms of a Draft Licensing Policy Statement for public consultation.

The Convenor, Vice Convenor and Depute Clerk to Perth and Kinross Licensing Board met Perth and Kinross Licensing Forum on 26 April 2018. The Licensing Forum can give advice and make recommendations on policy matters. On 26 April, Perth and Kinross Licensing Forum recommended changes to policy. Clarification was obtained on those recommendations.

Possible changes arising from previous discussions of the Licensing Board and arising from Licensing Forum recommendations are shown using the track and trace facility. The tables inserted into this document provide comment and narrate Licensing Forum recommendations and the reasoning behind them. Other possible changes are also discussed.

The possible changes shown are for the purpose of debate. It is a matter for the Board whether to accept all, some or none of the changes.

The tables and possible changes not agreed will be removed to leave a Draft Licensing Policy Statement for public consultation.

Background and Additional Information

As a general overview, the following information is provided:

- As at 1 May 2018, there were 590 premises licenses in Perth and Kinross and 1756 valid personal licenses.
- From 3 November 2013 until 1 May 2018, before the Board (not accounting for delegated applications) there were:
 - 34 premises licence applications
 - 44 provisional premises licence applications
 - 96 major premises licence variation applications
 - 86 premises licence reviews (including non-payment annual fees)
 - 65 occasional licence applications
 - 16 extended hours applications
 - 19 personal licence applications
 - 13 personal licence reviews
- Census' of population are carried out every 10 years. The census on 27 March 2011 gave a population for Perth and Kinross of 146,652. The average age of population in Perth and Kinross was 43, higher than the Scottish average of 40. 18.1% of the Perth and Kinross population are 65 or over compared to 10.6% for Scotland as a whole.
- In 2016, 73% of alcohol sold in Scotland was off-sales. Scots bought 17% more alcohol per adult compared with England and Wales (Alcohol Sales in Scotland 2016, NHS Scotland).
- In 2016 an average of 24 people died from illnesses only caused by drinking alcohol (ONS (2017) Alcohol-related deaths in the UK: registered in 2015).

- In 2015 alcohol-related death rates in Scotland were 67% higher in men and 50% higher in women compared with England & Wales. Scottish rates are improving but still 26% higher than in 1981 (Giles L, Robinson M. Monitoring and Evaluating Scotland's Alcohol Strategy: Monitoring Report 2017).
- In 2016/2017 there were more than 36,200 admissions to an acute hospital due to an alcohol-related illness.
- In 2016/17, alcohol-related hospital admission rates for people living in the most deprived communities were nine times higher than those in the least deprived. Death rates from alcohol are six times higher in the most deprived areas compared with the least (Giles L, Robinson M. Monitoring and Evaluating Scotland's Alcohol Strategy: Monitoring Report 2017).
- 36% of 15 year olds who drank said they had done something that they later regretted after drinking alcohol – 16% reported getting into trouble with the police, and 17% said they had tried drugs as a consequence of drinking (Scottish Government (2016) Scottish School Adolescent Lifestyle and Substance Use Survey (SALSUS) 2015: Alcohol Report, Edinburgh: NHS National Services Scotland).
- Minimum unit pricing was introduced into Scotland on 1 May 2018. The unit price is set at 50p per unit.

~~30 May 2014~~ (Date Board finalised Policy Statement after consultation to be inserted)

FOREWORD

Consultation on this document took place between ~~20 December 2013~~ X June 2018 and ~~14 February 2014~~ 3 August 2018. The policy will be applied during the ~~three-year~~ period from 4 November 2018 to ~~4 November 2023~~¹⁶. It will be kept under review and revised, if appropriate, by the issue of supplementary policy statements which will apply to the end of the same ~~three-year~~ period.

Prior to publication of this policy, the Board consulted with:-

- The Local Licensing Forum for the Board area
- Perth and Kinross Council – Planning; Building Standards; Environmental and Regulatory Services (food hygiene and noise team); and Economic Development
- All Community Councils for the Board area
- Police Scotland
- Scottish Fire and Rescue Service
- NHS Tayside
- Alcohol Focus Scotland
- Perth and Kinross Community Safety Partnership
- Community Planning Partnerships
- Perth and Kinross Association of Voluntary Service (PKAVS)
- Elected members (not sitting on the Board) for Perth and Kinross Council
- City Centre Tenants and Residents Association
- The Scottish Licensed Trade Association
- Scottish Beer and Pub Association
- Perth and Kinross Alcohol and Drug Partnership
- Perthshire Chamber of Commerce
- Scottish Grocers Federation
- Licensing Solicitors
- Fife Licensed Trade Association
- and all other persons with an interest in the Licensing Objectives

| Comment |
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| The commencement date for consultation will be entered after the Board has decided on the terms of its Draft Licensing Policy Statement to consult upon. |
| The period for consultation on past Policy Statements has generally been 6 weeks. On this occasion it is suggested consultation takes place until Friday 3 August. Allowing for time to issue the consultation, that will give 6 – 8 weeks for responses. |

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| Comment |
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| Index to be updated once new policy statement finalised. |

1. INTRODUCTION

1.1 Perth and Kinross Licensing Board has ~~over~~approximately 600 premises licensed to sell alcohol. There are also over ~~1750800~~ individuals who have a personal licence which allows them to manage licensed premises or run occasional events where alcohol is sold.

1.2 For Perth and Kinross, alcohol licensing is the responsibility of Perth and Kinross Licensing Board which is made up of 10 elected members of Perth and Kinross Council. From their number there is a Convenor and Vice Convenor. The Clerk to the Licensing Board is the Head of Legal & Governance Services for Perth and Kinross Council assisted by Depute Clerks and other staff.

1.3 Section 6 of the Licensing (Scotland) Act 2005 requires all licensing boards to publish a statement of licensing policy. That statement applies from 18 months after a council election until 18 months after the next council election every three years. This statement applies from 4 November 2018 until 4 November 2023. This statement fulfils the statutory requirement for Perth and Kinross Licensing Board. The Board is required to ensure that its policies promote the licensing objectives. They are set out in Section 4 of the Licensing (Scotland) Act 2005 and are :

- (a) preventing crime and disorder;
- (b) securing public safety;
- (c) preventing public nuisance;
- (d) protecting and improving public health;
- (e) protecting children and young persons from harm.

Subject to the promotion of the licensing objectives, the Board recognises and supports the contribution which licensed premises make to the economy of the area, to employment, tourism and the vitality of the area.

1.4 In exercising its functions under the Act the Board must have regard to this Licensing Policy Statement and any Supplementary Licensing Policy Statement. The Licensing Board will consider all applications on their merits within the context of the legislative framework, the Licensing Policy Statement and any Supplementary Licensing Policy Statement. In particular, the Board will give due consideration to whether or not an application conforms to

this Licensing Policy Statement. Where an application is out with policy, it will be for the Applicant to persuade the Licensing Board why the application should be granted.

- 1.5 When considering an application for a premises licence, a provisional premises licence, or an application for variation of a premises licence, the Licensing Board must consider whether any grounds for refusal of the application exist. In particular it is highlighted that, if the Board considers that it would be inconsistent with one or more of the licensing objectives, it must refuse that application. For a premises licence application or a provisional premises licence application, the Board must also refuse the application if it considers that having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence. For personal licence applicants, in certain circumstances, the Board may also refuse the application on the basis that having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a personal licence.

Therefore, the Board will wish to have sufficient information from Applicants to allow it to make a decision.

Applicants will also require to take into account any relevant policy as set out in this Licensing Policy Statement.

- 1.6 The Board acknowledges that its licensing powers are not the main statutory mechanism for dealing with issues such as anti-social behaviour and nuisance and will avoid duplication with any other statutory or other systems of control which can be more appropriately applied to the circumstances.
- 1.7 The Board acknowledges the need to maintain a clear distinction between the licensing and planning processes. The Board will work with Perth and Kinross Council to ensure that duplication and inefficiency are avoided in the planning, building standards, environment services and licensing processes.
- 1.8 The Board will work towards ensuring the integration of its policy statement with other local strategies relevant to the licensing objectives such as the Community Plan, and crime prevention, anti-social behaviour and community safety strategies, ~~and~~ the Alcohol and Drug Partnership Strategy, and the Perth City Plan. The Board will also have regard to national strategies to address the social, health and crime

and disorder issues created by alcohol misuse, in particular the “Changing Scotland’s Relationship with Alcohol: A Framework for Action 2009” which continues to be relevant. To achieve this it will work with Perth and Kinross Council and other agencies involved in the development of such strategies.

- 1.9 The Board values the diversity that exists within Perth and Kinross and wishes to ensure full participation in the social, cultural and economic life of the area. Scottish public authorities are legally obliged by the Equality Act 2010 to pay due regard to the need to eliminate unlawful discrimination, victimisation and harassment; to advance equality of opportunity and to foster good relations between those people who share a protected characteristic and those who do not. In particular, it is unlawful to discriminate on the basis of age, disability, gender reassignment, marriage and civil partnership; pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Reference is made to the Licensing Board Mainstreaming Report which more fully sets out the Board’s position in relation to equality.

2. THE LICENSING OBJECTIVES

- 2.1 In general terms the Board will seek to promote the licensing objectives as follows:

Preventing Crime and Disorder

The Board supports a strategy aimed at making its area a safe place to live in and visit. The Board is committed to improving the quality of life for the people in the area by ensuring that licensed premises are run in such a way as to not contribute to crime and disorder. To enable the Board to make a decision about an application, applicants will be expected to provide information about how they will address the problems of:-

- Underage drinking;
- Drunkenness on or around premises;
- Illegal possession and/or use of drugs;
- Possession of offensive weapons;
- Violent or aggressive behaviour;
- Anti-social behaviour;
- Litter and waste management.

Securing Public Safety

The Board is committed to ensuring that the safety of any person visiting or working on or in the vicinity of licensed premises is not compromised. To enable the Board to make a decision about an application, applicants will be expected to provide information about the control measures they have in place to ensure the safety of those working on, visiting or in the vicinity of their premises.

Preventing Public Nuisance

The Board wishes to protect and maintain the amenity of residents and occupiers of other businesses from any adverse consequences of the operation of licensed premises whilst at the same time recognising the valuable cultural, social and business importance that such premises provide. The Board considers that “public nuisance” should be interpreted in its widest sense and in that respect considers it to include nuisance arising from noise, light, odour, litter and anti-social behaviour. To enable the Board to make a decision about an application, applicants will be expected to provide information about the control measures they have in place to prevent public nuisance by those visiting their premises.

Protecting and Improving Public Health

The Board recognises the link between the consumption of alcohol and public health. The Board wishes to see premises thriving in the area, but this cannot be at the expense of patrons’ health and wellbeing. The Board will work with and have regard to the views of the relevant bodies responsible for, and interested in, the protection and improvement of public health in the area, such as NHS Tayside and the Alcohol and Drugs Partnership. It will take advice from those relevant bodies.

To enable the Board to make a decision about an application, applicants will be expected to provide information about the control measures they have in place to protect patrons’ health. This may include such measures as making information available through posters and leaflets for staff and patrons (such as information made available by the ADP) with regard to sensible drinking, the effects of excessive alcohol consumption and contact points where assistance can be obtained with problem drinking.

Protecting Children and Young Persons from Harm

The Board wishes to see family friendly-premises thriving in the area. Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them at the same time recognising that parents and other adults accompanying children and young persons also have responsibilities.

The Board also takes very seriously the issue of underage drinking and wishes to remind licensees that they and their staff must comply with all other legislation in relation to children and young persons including not selling or allowing the sale of alcohol to children and young persons.

To enable the Board to make a decision about an application, applicants will be expected to provide information about the control measures they have in place to protect children and young persons from harm, and in particular the measures they have for preventing the sale and supply of alcohol to those under the age of 18.

3. BOARD BUSINESS

3.1 Openness and accessibility

The Board will deal with all of its business in an open and transparent way. Information and assistance will be made available to those who wish to apply for a licence, to make representations or to object to an application. The Board is also aware of the need to ensure that the licensing process is accessible to all. Assistance will be available on request for those who require assistance to access any part of the process.

The Board has guidance notes which are available to assist the public.

It should be noted that the Board expects applicants/licence holders to attend Board meetings. Where an applicant or licence holder has an agent, the applicant/licence holder is expected to attend as well as their agent. The agent should not attend on their own.

3.2 Decision making

It is the Board's aim to provide an efficient and cost effective service to all those who are involved in the licensing process. Therefore, the Board has adopted a Scheme of Delegation to ensure that decisions can be made in a way

which is consistent with this aim. This Scheme, in particular, sets out the decisions which may be made by the Clerk to the Board or ~~her~~his staff.

4. PREMISES LICENCES

- 4.1 Premises that wish to sell alcohol for consumption on or off the premises will require to have a premises licence. This will govern, amongst other things, what activities are allowed on the premises and what hours the premises can open for business. Each licence will be tailored to the type of premises in question. There must be a description of the premises, an operating plan and a layout plan of the premises.

Applicants should pay particular attention to the operating plan and the layout plan. If ~~an~~-particular activity is not mentioned in the operating plan that activity cannot take place on those premises until further authorisation is sought from the Board by way of seeking a variation of the premises licence.

The Board will provide guidance and advice to all applicants in relation to the requirements for operating plans and layout plans.

Applicants for a premises licence or a provisional premises licence must submit a disabled access and facilities statement. Applicants for a major variation of a premises licence are also requested to submit a statement.

Applicants for a premises licence or a provisional premises licence are also expected to complete and submit the Board's Supplementary Information document setting out how the business will comply with the licensing objectives.

4.2 Notification of Applications, Objections and Representations

The Licensing Board must give notice of a premises licence application or a premises licence variation application to:

- (a) each person having a notifiable interest in neighbouring land (as defined by The Licensing (Procedure) (Scotland) Regulations 2007, regulations 3 & 4);
- (b) any community council within whose area the premises are situated;

- (c) Perth and Kinross Council;
- (ca) — NHS Tayside;
- (d) Chief Constable of Police Scotland; and
- (e) Scottish Fire and Rescue Service

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Any person may submit an objection or representation to the Board. Any objection will likely relate to one of the five licensing objectives and must relate to specific premises.

Any objection to a premises licence application or premises licence variation application on the general basis of opposing the use of alcohol or to opening on a Sunday may be considered to be frivolous by the Licensing Board and may be rejected without being considered in determining the application.

Any person submitting an objection or representation including in support of an application should note that it will be treated as a public document. It will not be treated as confidential. It must be copied to the applicant and may be copied to other parties. It will also be placed before the Board for consideration. Any person submitting an objection or representation will be invited to attend a board meeting to address that objection or representation.

4.3 Consideration of premises licence applications and premises licence variation applications

The Licensing Board will assess each premises licence application on its own merits within the context of the five licensing objectives and this Policy Statement. For the assistance of applicants, the Board will have particular regard to:

- the nature of the premises, the style and type of use, the potential number and profile of the customers likely to attend the premises
- the proposed hours of operation
- the means of access to the premises including the location of customer entrances and exits
- the provision of toilet facilities
- whether children and/or young persons are to have access to the premises or parts of premises and upon what terms
- the need for registered door supervisors
- areas or activities which may have potential for crime and disorder or public nuisance and any measures to mitigate those issues

When considering any application for a premises licence, a premises licence variation application or in any review of an existing licence, the Board will take into account any relevant evidence, especially of the impact on local residents and businesses and will also look at the measures proposed by the applicant to mitigate any adverse impact.

4.4 Conditions

Mandatory conditions are set out both in the Act and in Regulations. The Board will consider in relation to each application whether it is necessary or expedient to impose additional (local) conditions for the purposes of one or more of the licensing objectives or otherwise to give effect to the provisions of this policy statement or to the provisions of the Act. The decision whether to impose a condition will be made on an objective basis, having regard to the operating plan and any representations made and any other relevant information available to the Board when considering the application. The Board will not impose disproportionate conditions.

5. **MANAGEMENT OF PREMISES**

- 5.1 The Board considers that premises licence holders and their staff should operate their business or operation in a manner which is consistent with the five licensing objectives. There are various aspects of running licensed premises which are of particular concern to the Board. The Board has therefore decided to implement policies in these areas. The Board may consider imposing additional local conditions to reflect these concerns. The areas of particular concern are as follows:

5.2 Proof of Age

There must be a written age verification policy in relation to the sale of alcohol on the premises (for both on and off consumption). That policy should include that steps are to be taken to establish the age of a customer attempting to buy alcohol on the premises, if it appears to the person selling the alcohol that the customer may be less than 25 years of age (or such older age as may be specified in the policy).

This does not apply to any sale of alcohol treated as taking place on premises by virtue of Section 139 of the Licensing (Scotland) Act 2005 [\(remote sales of alcohol\)](#).

~~The Board considers a~~Acceptable forms of identification ~~are to be~~ passport; European Union photo driving licence; Ministry of Defence Form 90 (Defence Identity Card); ~~and~~ a photographic identity card bearing the national Proof of Age Standards Scheme hologram; a national identity card issued by a member State of the European Union (other than the United Kingdom), Norway, Iceland, Liechtenstein or Switzerland; and a Biometric Immigration Document.

5.3 Purchase of alcohol for a child or young person

The Licensing Board expects premises licence holders and their staff to be aware of adults attempting to purchase alcohol for children and young persons. Premises licence holders for premises with the facility for on and/or off sales are expected to have policies and procedures in place to prevent such sales. Training should be given to staff to monitor for and prevent such sales and premises licence holders should monitor the effectiveness of their training.

5.4 Training

Applicants should note that the premises manager named in the premises licence application must hold a personal licence. ~~All personal licence holders~~To apply for a personal licence, a person must have an accredited qualification. Once a person holds a personal licence they must undergo refresher training at the appropriate point.

In addition, Regulations require that a personal licence holder or other person with an accredited qualification must provide training for all staff working in licensed premises who are involved in the sale of alcohol. This training must cover the matters set out in the Regulations. Records must be kept in set form of the training provided to staff.

The Board expects all premises licence holders to ensure that all new members of staff are given induction training in addition to being trained in accordance with the Regulations.

5.5 Management and Ssupervision of premises and staff

The Board expects all premises licence holders, including qualifying (members) clubs, to ~~continually~~supervise staff as well as providing training. Regular supervision and monitoring of staff should take place. Regular staff meetings may assist in this regard. Policies and procedures should be available and premises licence holders are expected to

make sure that all staff involved in the sale and consumption of alcohol are properly trained generally and are fully aware of all relevant policies and procedures. Premises licence holders should supervise staff to ensure the policies and procedures are implemented.

Premises licence holders who have leased out their premises to be operated by a tenant should be aware that, as the premises licence holder, they continue to be responsible for the premise and should continue to exercise that responsibility in a manner consistent with the five licensing objectives. Before leasing the premises, a premises licence holder should undertake due diligence on the prospective tenants. This can include, but is not restricted to, bank references, other references, speaking to other members of the licensing trade, and conducting internet and social media searches. Where the prospective tenant is a company or partnership the directors, partners, and other persons involved in the running of the prospective tenants should also be subject to due diligence. Once a premise has been let, the premises licence holder continues to be responsible for the premises and is expected to have policies and procedures in place to ensure continuing supervision of the tenants and the premises. In the event of any issues arising and a premises licence review taking place, the premises licence holder will be cited to attend the hearing. The tenant may also be requested to attend.

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| Policy 5.25 on the Management and Supervision of Premises has been amalgamated into Policy 5.5 due to overlap between these two policies. |
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5.6 Incident Book

The Board expects premises licence holders and their staff to operate an incident book on the premises, which should be used to record instances of refusal to sell alcohol on account of age or drunkenness, refusal to allow or permit entry to the premises, requests to leave the premises, violent or antisocial incidents, and other matters as appropriate.

Entries in the incident book should be made as soon as possible and should be sufficiently detailed so as to describe the incident and identify the persons involved. Members of staff present should be recorded. Premises licence holders and staff are expected to make the incident

book available to the Police or Licensing Standards Officer on request. Other staff should be made aware of entries made. The use of an incident book and the events recorded can also form part of the regular training of staff.

5.7 Misuse of Drugs

Premises licence holders for premises with the facility for on consumption are expected to have policies and procedures in place to prevent the misuse of drugs on and in the immediate vicinity of the premises.

5.8 Offensive Weapons

Premises licence holders for premises with the facility for on consumption are expected to have policies and procedures in place to prevent the possession and use of offensive weapons, particularly knives, on and in the immediate vicinity of the premises. Premises licence holders may wish to consider the use of metal detection wands.

5.9 Police – contacting and cooperation with

Premises licence holders and their staff are expected to contact and co-operate with the police when appropriate, particularly when incidents of a violent or antisocial nature occur and when there is a breach of the Licensing (Scotland) Act 2005. The Board views contacting the police as a positive step for premises licence holders which is to be encouraged.

5.10 Children and Young Persons on Licensed Premises

The Board has a long standing interest in encouraging family-friendly premises within Perth and Kinross and wishes to continue to ensure that premises which seek to accommodate children and young persons are run in such a way that they are suitable for ~~children~~them.

In determining any application where the operating plan indicates that children and young persons are to be allowed on the premises, the Board will consider the need to protect children and young persons from harm as paramount.

Premises licence holders are expected to have carried out their own risk assessment regarding children and young persons having access to the premises and have policies in place which reflect the additional responsibilities placed on them when children and young persons are on the premises. Specifically, applicants will be expected to

provide information about the measures they have in place to protect children and young persons from harm.

The Licensing Board will not normally grant a premises licence or occasional licence where children would have direct access to dart boards. Pool tables should be carefully sited, taking into account the possible presence of children. Glass doors are also of concern to the Licensing Board. Parts of premises to which children and young persons are to be allowed entry will require to have a suitable character and atmosphere. Premises or parts of premises which are very small and enclosed are unlikely to be able to provide the appropriate environment. Also premises which have very few facilities are unlikely to comply with the Board's requirements. Toilets should be of a reasonable standard and reasonably accessible to the area to which children and young persons are allowed entry.

The Licensing Board expects premises with the facility for on consumption which permit entry to children aged 5 or under to have the following:-

- (i) provision of a safe high chair facility
- (ii) provision for heating customer supplied children's food at no extra cost
- (iii) all heating sources adequately protected
- (iv) all electrical sockets covered
- (v) safety film placed on glass doors or BS standard safety glass

~~(vi) ————— the times at which children will be permitted to be on the premises or any part thereof appropriately displayed.~~

The Licensing Board may impose conditions on a premises licence or an occasional licence where children are to be allowed entry including conditions to secure the above provisions.

Licensing Holders are also obliged to display a notice reasonably visible to customers entering the premises of at least A4 size which (a) states persons under 18 are not permitted on the premises; or (b) states such persons are permitted and to where on the premises. The Licensing Board also expects the times of entry to be displayed.

Premises licence holders are reminded that they and their staff must comply with all other legislation in relation to children and young persons including not selling or allowing the sale of alcohol to children and young persons; not delivering alcohol to a child or young person; the employment of children and young persons; providing safe and clean nappy-changing facilities; and not preventing or stopping a child from being breast fed in terms of the Breastfeeding etc. (Scotland) Act 2005.

| Comment |
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| <p>Access to dart boards by children – the primary issue for the Board has been the safety of children (young persons have been permitted entry where there are dart boards). The concern has been that children may be injured by darts when thrown. The Board has, in the past, refused some premises licence applications or insisted upon changes to the operating plan and layout plan such that children are not permitted in the same room where a dart board is sited. However, in the past couple of years there have been a few applications where the Board has taken a different approach by permitting children (at least those under 12 with no restriction on those 12 or over) in the same room as a dart board when the dart board is not being used. They are not permitted entry when the dart board is use. For at least two premises no restrictions were imposed at all although those relate to the possibility of darts competitions only with no fixed dart boards (Horsecross and Perth Theatre).</p> <p>Those children not covered by any restriction can play darts. It should be borne in mind that children, particularly those around 12 or so do play darts including in competition.</p> <p>The smaller the premise or part of premise, the more likely the need to exclude children from the whole part of the premise or part of. Whilst applications incorporating dart boards are uncommon nowadays, they do still occur. It should also be borne in mind any change to policy will also affect existing premises licenses. Those premises licence holder may apply to vary their premises licence to be in line with policy.</p> <p>The issue for the Board is whether to continue with the present policy of not permitting children to have direct access to dart boards, or to refine that policy. Options include:</p> <ul style="list-style-type: none">(1) <i>The Licensing Board will not normally grant a premises licence or occasional licence where children would have direct access to dart boards.</i>(2) <i>The Licensing Board will not normally grant a premises licence or occasional licence where children under 12 would</i> |

have direct access to dart boards.

(3) Children will not be permitted direct access to dart boards when in use.

(4) Children under 12 will not be permitted direct access to dart boards when in use.

(5) Premises licence holders and occasional licence holders are expected to have policies and procedure in place to protect children from harm when dart boards are in use.

(6) [remove reference to dart boards entirely].

Access to pool tables by children - the primary issue for the Board has been the safety of children (young persons have been permitted entry where there are pool tables). The concern has been that children may be injured by pool balls that are knocked off tables or by pool cues. In the past few years, the Board has not imposed any local conditions on premises licence where there are pool tables.

An issue for the Board is whether there should be a policy on pool tables at all. It could be said that present policy as worded indicates less of a concern for safety compared to dart boards. Again, it should be borne in mind children do play pool including in competition.

It is a matter for the Board whether to continue with the present policy of asking for pool tables to be carefully sited, or to refine that policy. Options include:

(7) Pool tables should be carefully sited, taking into account the possible presence of children.

(8) The Licensing Board will not normally grant a premises licence or occasional licence where children would have direct access to pool tables.

(9) The Licensing Board will not normally grant a premises licence or occasional licence where children under 12 would have direct access to pool tables.

(10) Children will not be permitted direct access to pool tables when in use.

(11) Children under 12 will not be permitted direct access to pool tables when in use.

(12) Premises licence holders and occasional licence holders are expected to have policies and procedure in place to protect children from harm when pool tables are in use.

(13) [remove reference to pool tables entirely].

Facilities expected for children under 5 – the Board has had a long standing policy, dating back to the Licensing (Scotland) Act 1976, where certain facilities such as high chairs are expected to be in

place for children aged 5 or under.

The Board has not imposed such requirements as a local condition on premises licenses for a long time. It has considered it has not needed to. Where the Board's Supplementary Information document indicates those facilities are in place, the Board has accepted that position. The Licensing Standards Officer then checks for such facilities.

Most premises do have such facilities but not all. The issue for the Board is whether to continue with such a policy or not.

Other Licensing Boards have varied approaches. Some have no requirement. Others have similar or other requirements. Glasgow and Edinburgh both require heating sources and electrical appliances to be adequately protected and high chairs to be provided. They also have additional requirements such as stairs being risk assessed and a gate put across if necessary; floor covering to be non-slip; accessible wash hand basins, and childrens' menus and portions to be available. An issue with expecting too many requirements is that that may discourage premises from having children on the premises.

It should be noted that it has been suggested that requirement (vi) in the policy is deleted – displaying the times children will be permitted entry and replaced by a paragraph referring to the requirement under mandatory condition 11 for on consumption premises licences to display a notice regarding whether or not there is entry by persons under 18 or not and to where. To this has been added an expected that the times of entry will also be displayed.

Gaming machines – the Board requested that consideration be given to the number of and siting of gaming machines on alcohol licensed premises. After further consideration, it is clear that this is a matter not for the Board's alcohol function but its gambling function. The number of and siting of gaming machines on alcohol licensed premises should be considered as part of the Board's Gambling Statement of Principles. That is due for review by January 2019.

5.11 Noise

~~During the hours of 11pm and 7am, No~~ noise by way of music whether amplified or not or singing and speech emanating from licensed premises shall be audible in any ~~neighbouring adjoining~~ property ~~between 11pm and 7am.~~

Or

During the hours of 11pm and 7am, No noise by way of music whether amplified or not or singing and speech emanating from licensed premises shall exceed 30-35dBA be audible in any neighbouringadjoining property between 11pm and 7am.

Or

During the hours of 11pm and 7am, No noise by way of music whether amplified or not or singing and speech emanating from licensed premises shall exceed 5dB over background levels be audible in any neighbouringadjoining property between 11pm and 7am.

Or

During the hours of 11pm and 7am, No noise by way of music whether amplified or not or singing and speech emanating from licensed premises shall (i) exceed 31dB or 10dB above the underlying level, or (ii) for low frequency, exceed 47dB in 63Hz band and 41dB in 125Hz octave bands be audible in any neighbouringadjoining property between 11pm and 7am.

Or

During the hours of 11pm and 7am, No noise by way of music whether amplified or not or singing and speech emanating from licensed premises shall be an audible nuisance in any neighbouringadjoining property between 11pm and 7am.

Or

During the hours of 11pm and 7am, No noise by way of music whether amplified or not or singing and speech emanating from licensed premises shall be a statutory nuisance under the Environmental Protection Act 1990 audible in any neighbouringadjoining property between 11pm and 7am.

And

In addition, the Agent for Change Principle is adopted for music venues. For the carrying out of any new development or operations on or after 3 November 2018, the responsibility for mitigating any adverse effects from a licensed music venue is with the person making the change. This is for noise from music only.

During the hours of 11am to 7pm, premises licence holders are expected to take all reasonable steps to prevent noise nuisance.

~~Premises licence holders are expected to be aware of the impact on neighbours of noise from their premises or due to the activities taking place in and around the premises. Premises licence holders are expected to take all reasonable steps to prevent noise nuisance, particularly between 11pm and 7am.~~
Noise from licensed premises is one of the main causes of complaint. Steps should be taken to avoid noise while

disposing of glass bottles, and to limit any noise caused by patrons smoking outside premises and patrons leaving licensed premises. Consideration should be given to the use of door stewards to monitor and control such noise and keeping doors and windows closed, installing soundproofing and using sound tests and sound limiters. Premises licence holders may wish to seek further guidance from ~~The~~ Environmental Health Service, Perth and Kinross Council.

Where significant noise issues do arise, the Licensing Board may require the premises licence holder, at their own cost, to obtain a noise impact assessment from a suitably qualified acoustic engineer and to liaise with ~~The~~ Environmental Health Service, Perth and Kinross Council on that assessment.

| Comment |
|---|
| <p>On 16 October 2017, the Board suspended the operation of its policy on noise and, in the interim, stated that noise in any adjoining property from licensed premises shall be assessed according to statutory nuisance under the Environmental Protection Act 1990.</p> <p>Policy 5.11 therefore needs to be reviewed.</p> <p>Environmental Health, Perth and Kinross Council have prepared a review of noise issues for consideration. That Review is Appendix 2 of the Report to the Board.</p> <p>Rather than agreeing one option only for public consultation, it is open to the Board to (i) select a preferred option for noise between 11pm and 7am but consult on all options, or (ii) consult on all options set out in the Environmental Health Review without selecting a preferred option at this stage. An option not consulted upon cannot be adopted as policy without further consultation..</p> |

5.12 Dispersal of Patrons

Many occurrences of crime, disorder and public nuisance occur at or immediately after the terminal hour for the supply of alcohol. Premises licence holders should ensure that they and their staff have sufficient measures in place to ensure patrons leave the premises as quickly as possible, in good order and as quietly as possible. Measures may include limiting the amount of alcohol sold just before the terminal hour, such as, for example, only permitting a group to purchase one round as opposed to two, making sure all patrons are aware well in advance that the last time for purchasing alcohol is approaching, covering bar taps once the terminal hour has past, raising the lighting level and inspecting all parts of the premises for patrons.

5.13 Smoking

The Board welcomes the legislation prohibiting smoking in enclosed public places. Premises licence holders have been effective in ensuring patrons do not smoke within their premises. However, other issues can arise in the area around the premises such as the blocking of entrances, blocking pavements or footways, noise nuisance, litter and disorder. Premises licence holders and their staff are expected to have sufficient measures in place to mitigate such problems.

5.14 Litter and Waste Management

Premises licence holders are expected to have a suitable litter and waste management programme in place to ensure that the area outside the premises are kept free of litter at all times including cigarette butts and waste including human waste.

Premises licence holders are expected to recycle/dispose of all waste, including glassware at times and in such a manner as to avoid disturbance to the neighbouring community.

~~5.15 Recycling/disposal of waste~~

~~Premises licence holders are expected to recycle/dispose of all waste, including glassware at times and in such a manner as to avoid disturbance to the neighbouring community.~~

| Comment |
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| Policies 5.14 and 5.15 both refer to waste and have therefore been amalgamated into one policy heading. Should the Board imposed a local condition on a premises licence requiring a written policy be in place for litter and waste management this change will mean that there is no doubt it will cover both the dropping of litter/waste and the disposal of waste. |
|---|

5.1~~56~~ CCTV

The use of CCTV on premises can be an important measure in complying with the licensing objectives, particularly in preventing crime and disorder and preventing public nuisance. Digital CCTV systems which include both internal and external camera coverage of the premises are readily available. The Board supports the use of such systems and would encourage licensees to make use of them. Where used, such systems must be kept in proper working order at all times, all premises licence holders and staff must be able to operate the system, and images should be kept for at least one month and made available to Police Scotland on request.

5.1~~67~~ Condition of Premises

Premises licence holders and their staff are expected to ensure that the premises, both internally and externally, are maintained in good, clean and tidy condition at all times.

5.1~~78~~ Seating Provision

The Licensing Board expects all applicants to designate 25% of their floor space within the premises for seating where there is consumption of alcohol on the premises.

| Comment |
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| This policy proved to be the most controversial of all when the very first licensing policy statement was being consulted upon in 2008. Media coverage (wrongly) equated the policy with an attempt to ban patrons from standing at the bar. |
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|--|
| This policy is aimed at ensuring that there is adequate seating in |
|--|

premises to avoid patrons consuming alcohol whilst standing all the time. It has never been imposed as a condition on a premises licence.

Some of the issues that arise with this policy include (i) what does the Board do if a premises does not have the requisite 25% floorspace given over to seating?; (ii) giving over 25% floorspace to seating does not indicate the level of seating to be provided; (iii) over the past 5-10 years, there are fewer traditional pubs where standing predominates. Such places have closed or provide more seating, sometimes as food is introduced or food provision increases; (iv) the most likely occasion when there is reduced floorspace for seating is when a function takes place. For functions such as weddings, the seating is often not removed but placed around the sides to allow for the creation of a dance floor.

It is a matter for the Board whether to continue with this policy or not. It is difficult to envisage an alternatively worded condition.

5.1~~89~~ Team Colours

The wearing and display of team colours, particularly football colours, by premises licence holders, staff and patrons can be a factor leading to crime and disorder or public nuisance. Premises licence holders are expected to provide information about how they will deal with such issues.

| Comment |
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| <p>This policy is aimed at ensuring premises licence holders are aware that allowing team colours in the premises can lead to rival groups of supporters causing disturbance. This policy has never been imposed as a condition on a premises licence.</p> <p>Issues arising include (i) this covers all sports, not just football; (ii) has society moved on from such issues?; (iii) from recollection, no persons including the police have highlighted any disturbance for which the wearing of team colours could, at least in part, be attributed; (iv) no local condition has been imposed on a premises licence although it remains as an expectation that premises licence holders should be aware of and adhere to.</p> <p>Perth and Kinross Licensing Forum have recommended this policy remains in place as a safeguard.</p> |

5.1~~920~~ Radiolink & Pubwatch

In those areas where it is available, Radiolink and Pubwatch can be of assistance to premises licence holders and their staff in preventing crime and disorder and preventing public nuisance. The Board strongly supports the use of such schemes and would encourage premises licence holders to join these in areas where this is available.

| Comment |
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| <p>Perth and Kinross Licensing Forum has advised that Pubwatch continues to operate. It is run through Community Safety of Perth and Kinross Council. Members of Pubwatch can also participate in Radiolink. At a cost of £280/year a radio is provided by the police to a licensed premise. Members of the scheme can communicate with each other. For example, if a person has caused some difficulty in one premise, the other premises can be alerted. The police can also be informed so that they can turn the police cameras onto any incident and attend to developing situations. It is understood that there may only be four premises in Perth that participate presently.</p> |
| <p>Perth and Kinross Licensing Forum has recommended that if a premise wants to use the extra hour recommended for social demand hours on Mondays, Tuesdays and Wednesdays (see paragraph 7.5, and if accepted by the Board) then that premise must be a member of Pubwatch and Radiolink.</p> |
| <p>It has been suggested membership of Pubwatch and Radiolink is compulsory in Glasgow and Edinburgh, however, a statement encouraging membership was found in Glasgow's licensing policy statement and no statement was found in Edinburgh's licensing policy statement.</p> |
| <p>Although membership is to be encouraged, there are difficulties with making membership compulsory including that (i) Pubwatch and Radiolink are run by third party organisations, not by the Licensing Board. It is of questionable legitimacy to make membership compulsory; (ii) compulsory membership would mean imposing an annual cost on each premise as a blanket policy; (iii) which licensed premises are to be covered? Businesses are very diverse and it could lead to inconsistencies if categories are introduced such as pubs, nightclubs, restaurants, hotels, restaurants, and cafes. A lot of businesses also have more than one of these facilities; (iv) where would it apply? It could not apply to areas where there is no Pubwatch scheme presently; (v) using the grant of additional hours on Monday, Tuesdays and Wednesdays may discourage operators from applying for those hours; and (vi) membership would be imposed through three nights but apply to seven nights a week, particularly the busier nights of the week, Thursday, Friday and Saturday. It is recommended the</p> |

policy remains as it is – encouragement to join.

5.2~~01~~ Best Bar None Award Scheme

In those areas where it is available, applying for an award under the Best Bar None Scheme can be beneficial to premises licence holders. The areas covered by the criteria of the Award Scheme are linked to the objectives of the Board. The Board supports this Scheme and would encourage involvement in it.

| Comment |
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| The Best Bar None Scheme continues to operate locally. It is understood that it may be more difficult for a smaller operator to participate in the scheme due to the time and resources required. Perth and Kinross Licensing Forum are to contact the organisers of the Scheme to raise this issue. |

5.2~~12~~ Door Supervision

The Licensing Board, taking into account the licensing objectives of preventing crime and disorder, securing public safety, and preventing public nuisance may consider door supervision appropriate. Whether or not door supervisors are to be required and, if so, the number of door supervisors, the occasions they must be present, the hours they must be present, and possible specification of particular duties and functions will be assessed according to the merits of each individual application.

Applicants are reminded that all door supervisors must be registered with the Security Industry Authority under the Private Security Act 2001. To employ a door supervisor who is not registered is a criminal offence. Premises licence holders involved in what is termed manned guarding activities, whether or not door supervisors are used, may also have to be registered. Applicants should contact the Security Industry Authority for more information.

5.2~~23~~ 18th birthday parties

18th birthday parties, parties for other similar age groups and other events of a similar nature should be closely managed by premises licence holders and staff. A licence holder may be faced with a variety of issues including a sudden influx of persons wishing to attend the event beyond expected numbers due to the use of social media.

Should premises licence holders choose to run such an event, the Licensing Board expects there to be policies and procedures in place for the management of such events. Those policies and procedures should be implemented by the premises licence holders and all staff involved in the sale and consumption of alcohol. Such events should be pre-booked by a nominated person over the age of 18 such as a parent; guest lists should be obtained in advance; numbers controlled in advance and on the day of the event; and sufficient numbers of staff should be on duty including door supervisors where appropriate. Measures should be taken to prevent children and young persons purchasing or consuming alcohol, to prevent sale to and consumption by drunk persons and to ensure the safe dispersal of those attending the event. It is important the Challenge 25 age verification policy is implemented by all staff throughout the whole event. Specific measures to verify ages should be in place such as tamper proof wrist bands.

5.24 Management and supervision of premises

~~Premises licence holders including qualifying (members) clubs are expected to exercise an appropriate degree of supervision of their premises and staff. Policies and procedures should be available and premises licence holders are expected to make sure that all staff involved in the sale and consumption of alcohol are properly trained generally and are fully aware of all relevant policies and procedures. Premises licence holders should supervise staff to ensure the policies and procedures are implemented.~~

~~Premises licence holders who have leased out their premises to be operated by a tenant should be aware that, as the premises licence holder, they continue to be responsible for the premise and should continue to exercise that responsibility in a manner consistent with the five licensing objectives. Before leasing the premises, a premises licence holder should undertake due diligence on the prospective tenants. This can include, but is not restricted to, bank references, other references, speaking to other members of the licensing trade, and conducting internet and social media searches. Where the prospective tenant is a company or partnership the directors, partners, and other persons involved in the running of the prospective tenants should also be subject to due diligence. Once a premise has been let, the premises licence holder continues to be responsible for the premises and is expected to have policies and procedures in place to ensure continuing supervision of the tenants and the premises. In the event of any issues arising and a premises~~

~~licence review taking place, the premises licence holder will be cited to attend the hearing. The tenant may also be requested to attend.~~

~~5.235~~ Delivery of alcohol to-a and consumption by persons under 18 or to drunk personschild or young person

Where premises licence holders with an off sales facility operate a delivery service, policies and procedures ~~shouldare expected to~~ be in place and implemented by staff including in relation to the process of taking and recording of orders, training for delivery drivers, recording of items despatched, age verification policy and recording deliveries made. Those policies and procedures should be aimed at preventing alcohol being delivered to and consumed by persons under 18 or drunk persons.

Applicants seeking the addition of a delivery service should expect the requirement for policies and procedures to be in place to be imposed as a local condition on the premises licence.

Premises licence holders are reminded that if they use a courier or the sale and delivery are carried out through a third party organisation , it is the responsibility of the premises licence holder to make sure the courier/third party has appropriate policies and procedures in place.

~~5.246~~ Control of Functions

Functions taking place on premises generally involve a substantial increase in numbers of persons on the premises. Premises licence holders should have a heightened awareness of any issues that may arise and should have appropriate policies and procedures in place. Special consideration should be given to staffing levels and the use of door supervisors.

6. PREMISES PROVIDING LATE NIGHT ENTERTAINMENT

- 6.1 Premises which provide late night entertainment, such as night clubs, are an important contributor to the night time economy and involve a substantial investment in the facilities and entertainment provided on the premises. Those premises tend to be places where patrons arrive from

other licensed premises and stay until the terminal hour. The ~~predominant~~^{primary} activity on premises or areas of premises providing late night entertainment should be DJ led /discothèque music. ~~'Primary' means on more than 50% of the occasions or days when late night entertainment takes place. Entertainment does not include karaoke; race nights; pool, darts or dominos competitions; background music; dinner-dances and weddings.~~

In light of this and the five licensing objectives, the Board will impose conditions on the licence of premises which in its view provide significant entertainment as follows:

- The provision of alcohol is for consumption on the premises only.
- The provision of alcohol is ancillary to the entertainment provided.
- The entertainment provided must be on a continuous basis with breaks of not more than 15 minutes in any one hour.
- There shall be a minimum entry charge which shall be fixed by the Licensing Board each year for the year beginning 1st July and ending 30th June. For the purposes of fixing the minimum entry charge the Board shall take into account any representations from the licensees of such premises.

The Licensing Board may also impose conditions in relation to the use of CCTV and door supervision at such premises as more fully detailed under Section 5.

The Licensing Board does not consider that children and young persons should be permitted entry when entertainment takes place except as a performer.

The conditions mentioned or referred to in this Section will be imposed on a premises licence for such a premise unless the circumstances of a particular application indicate otherwise and/or an applicant is able to demonstrate to the Board that a condition is not appropriate in the circumstances.

| Comment |
|--|
| The definition of entertainment refers to the primary activity being at least 50% of occasions but does not define the entertainment on other occasions. It is difficult to set out precise definitions, particularly as it is difficult to draw a distinction between functions |

and entertainment and as there is a risk of being overly prescriptive on the type of music, act or performer permissible. Differences may not immediately be apparent or entertainment is unintentionally not described when it should be included. Some changes are proposed to emphasise DJ led disco music and to narrate what is not entertainment. This accords with the approach for functions.

Consideration could also be given to a policy that no children or young persons should be permitted entry while entertainment takes place.

Terms of entry for children and young persons for existing night club licensed premises include:

That Bar/The Loft

Children and young persons may be admitted if attending a private function not open to the general public. Children must be accompanied. Young persons unaccompanied.

Children allowed entry prior to 11am and until 10pm unless attending a private function when allowed to 11pm. Young persons allowed entry prior to 11am and during core hours.

Ice Factory

Only when private function – all children must have adult supervision.

Private functions – core hours. Under 18 events, over 12 years – midnight.

44, 44 Atholl Street, Perth

Children and young persons accompanied unless attending a particular event appropriate to those under 18. Under 18 performers permitted entry unaccompanied only for the purposes of performing.

During core hours and function hours per Board policy.

The Venue

Children accompanied adult, young persons unaccompanied. Children and young persons also admitted access as entertainer or part of live music performance.

Children until 11pm or until end of appropriate private function. Young persons during core hours or until end of appropriate

private function. Exception is a child or young person will also be admitted access as entertainer or part of live music performance.

Harry's (City/Sportsters)

Children and young persons accompanied.

Children – midnight. Young persons – normal terminal hour.

Wrist bands distinguishing adults from children and young persons operate.

These premises licences were not written with a direct restriction on entry by children and young persons during entertainment in mind, however, four of the licences indicate they do not allow such entry. One licence does allow entry for young persons, namely Harry's (City/Sportsters). That premise has been closed for some time.

It is a matter for the Board whether a policy of not permitting children and young person for entertainment is appropriate.

It should be borne in mind that entertainment generally does not take place until around the conclusion of social demand hours, however, it can take place before.

6.2 Adult Entertainment

Premises offering adult entertainment will be treated on a case by case basis.

The Board will expect applicants to give particular consideration to the promotion of the licensing objectives in relation to the protection of children and young persons from harm and the prevention of crime and disorder.

The licensing of sexual entertainment venues is due to come in to effect under the Civic Government (Scotland) Act 1982 in the future. That may result in adult entertainment being removed from premises licenses and thus from the remit of the Licensing Board. However, the Board's policy set out above remains in place until such time as a new policy is formulated.

7. LICENSED HOURS AND EXTENDED HOURS

- 7.1 While each application is assessed on its own merits, the following sets out the Licensing Board's policy on licensing hours. For applications ~~seeking for licensed hours at times~~ outwith the Board's policy, the practical onus is on the applicant to persuade the Board to grant the application. ~~a~~ Applicants ~~should will require to~~ provide information to enable the Board to make a decision about whether the additional requested hours are appropriate in the circumstances, and are consistent with the licensing objectives. Applications seeking hours outwith policy may be dealt with by the Board at a Board meeting rather than under delegated powers by officers.

For the avoidance of doubt, reference to times which occur shortly after midnight refer to the following day e.g. reference in the tables to Monday 1am means into early Tuesday morning.

7.2 Off-Sales

For applications relating to premises licences and to occasional licences, the licensed hours for the sale of alcohol for consumption off the premises (off-sales hours) are 10 am to 10 pm, each day. The Licensing Board has no discretion to permit licensed hours outwith these times. In determining applications and licensed hours within these times, the Board will, in considering the merits, have particular regard to the effect (if any) which the proposed off-sales hours would have on the occurrence of anti-social behaviour.

7.3 On-Sales

For applications relating to premises licences including extended hours, the licensed hours for the sale of alcohol for consumption on the premises (on-sales hours), the Licensing Board considers the commencement of the sale of alcohol should be no earlier than 11 am.

Licensed hours for on-sales premises in particular can have an impact not only within the individual premises but also within the locality in which the premises are situated. Taking into account the five licensing objectives, the presumption against 24 hour drinking and the Guidance for Licensing Boards and Local Authorities issued by the Scottish Executive and that mandatory conditions specified by Regulation apply to those premises opening after 1

am, the Licensing Board considers ~~the following to be~~ appropriate hours during which alcohol may be sold on the premises or parts of premises to be as set out below:-

Social demand hours should be entered in Section 2 of the Operating Plan. Any later hours sought should be entered into Section 5(f) of the Operating Plan.

| Comment |
|---|
| <p>Perth and Kinross Licensing Forum has recommended an increase in licensed hours as set out in later parts of this Section 7.</p> <p>For each relevant category of hours, the Forum's position is set out along with a comparison of licensed hours for other licensing boards' hours as taken from their current licensing policy statements. This is for comparison purposes only. The setting of licensed hours is a matter for each Board where the Boards members' knowledge and experience of their area is important.</p> <p>Previously, the setting of licensed hours for on sales premises has largely followed the hours that have applied in the Perth and Kinross area for a long time, including prior to the Licensing (Scotland) Act 2005, namely the practice of the Board under the Licensing (Scotland) Act 1976.</p> <p>Limited changes have taken place under the 2005 Act since 2008, however, those changes have always been increases in hours, not decreases.</p> <p>It is particularly difficult for a Board to reduce on sales licensed hours in a licensing policy statement. This is due, in part, to (i) existing premises licenses set the hours of operation for premises that licence holders rely on, and (ii) there is no direct and easy mechanism to allow a Board to amend the hundreds of premises licenses that a policy change may apply to. Where it is an increase in hours, a licence holder can apply to vary their premises licence. There is no incentive for a licence holder to apply to vary their licence at cost to reduce their licensed hours. The Board would have to undertake a premises licence review for each licence affected and each review would be open to appeal to the Sheriff Principal. There should also arguably be a consistency of policy</p> |

over more than one licensing policy statement for licensed hours to avoid changes every few years.

There is an argument that it would be better to have the same terminal hour for each day of the week, especially for social demand hours. However, unless this is an overall increase in licensed hours to, for example, 12:30am 7 days per week for social demand hours, then this may meet the same problem of reducing some hours.

There is also the argument with the change towards more off sales, that any reduction in on sales hours would have a detrimental impact on such businesses.

Previously, it has been of particular concern to nightclub owners to ensure there is a sufficient differential between entertainment hours and other types of hours, mainly social demand and function hours. They have viewed this differential as crucial to distinguish them from other activities and to make them the destination venue at the end of an evening.

When considering each individual recommendation to increase licensed hours, the Board should bear in mind the overall context of the other licensed hours and the differential of hours as mentioned above. Residential amenity should also be a strong consideration.

7.4 Restaurants

Those premises or parts of premises where the supply of alcohol for consumption is ancillary to a table meal taken by persons within the premises.

It can be entered in the Operating Plan or the Board will impose a condition on the premises licence that the provision of alcohol after social demand hours and during restaurant hours is ancillary to a table meal taken on the premises.

| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|--------|---------|-----------|----------|--------|----------|--------|
| 1am | 1am | 1am | 1am | 1am | 1am | 1am |

7.5 Social demand hours (Premises offering no significant entertainment facilities)

Those premises or parts of premises where the provision of alcohol is the principal activity and

significant entertainment facilities are not provided.
This includes public houses and members clubs.

| Period | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|--------------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| Annually except festive period | 11pm 12am | 11pm 12am | 11pm 12am | 12.30am | 12.30am | 12.30am | 12am |
| Festive period | 12.45am 1am | 12.45am 1am | 12.45am 1am | 12.45am 1am | 12.45am 1am | 12.45am 1am | 12.45am 1am |

Comment

These hours are generally referred to as the 'social demand' hours where drinking can take place for its own sake without any other activity. It is suggested that reference is now made to these hours being social demand hours.

Social demand hours are the basic hours. All other on sales hours are later hours following on from social demand hours.

There is a case for swapping paragraphs 7.5 and 7.4 so that social demand hours come first. This would reflect Board practice in dealing with premises licence applications. In the Operating Plan, Section 2 for on sales core hours, social demand hours are entered whilst later hours sought are entered in Section 5(f) of the Operating Plan of the premises licence.

Perth and Kinross Licensing Forum's position on social demand hours is as follows:

Recommendation

- To amend core hours on a Monday, Tuesday and Wednesday night from 11pm to 12am (midnight)

And

- For the times to remain the same on a Thursday, Friday and Saturday night, namely 12:30am and Sunday night 12.00 (midnight)

Reasons

- To aid tourism within Perth & Kinross area
- To encourage events coming to Perth
- If go to a concert, can't go for a drink
- Won't cause antisocial behaviour.

Evidence

- Businesses not coming to Perth
- New housing developments investing in PKC area
- Social/night life within Perth for students – university city now
- Out with Areas have longer hours i.e. Dundee, Stirling, Dunfermline.

Other Licensing Board Policy Statements have been consulted for comparison purposes. They are:

- Dundee – to 12 midnight except Friday/Saturdays 1am
- Angus – 11am to midnight Sunday to Thursday, 1am for Friday/Saturday nights
- Fife – 10am to midnight Sunday to Thursday, 10am to 1am Friday/Saturday
- Stirling – Sunday to Thursday to 12 midnight, Friday/Saturday 1am
- Edinburgh – 9am (except Sundays 11am) to 1am. Members clubs to 3am.
- Glasgow – 11am – 12 midnight, 7 days.

Comment – it is a matter for the Board what policy hours are but a balanced consideration should be carried out whereby neighbouring amenity should be considered as well as factors relating to the running of licensed premises.

In terms of consistency alone, this is difficult to achieve across social demand hours; function hours; and entertainment hours without there being a reduction in licensed hours on at least one evening, however the closest to consistency would be:

| | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
|---------------|-----|------|-----|--------|--------|--------|-----|
| Social Demand | 12 | 12 | 12 | 1230am | 1230am | 1230am | 12 |
| Functions | 1am | 1am | 1am | 130am | 130am | 130am | 1am |
| Ent | 2am | 2am | 2am | 3am | 3am | 3am | 2am |

Following this model would involve later hours on Thursday and well and Friday and Saturday nights.

Alternatively, it could be:

| | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
|---------------|-----|------|-----|--------|--------|--------|-----|
| Social Demand | 12 | 12 | 12 | 1230am | 1230am | 1230am | 12 |
| Functions | 1am | 1am | 1am | 1am | 130am | 130am | 1am |
| Ent | 2am | 2am | 2am | 230am | 3am | 3am | 2am |

Or

| | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
|--------|-----|------|-----|-------|-------|-------|-----|
| Social | 12 | 12 | 12 | 1230a | 1230a | 1230a | 12 |

| | | | | | | | |
|-----------|-------|-------|-------|-------|-------|-------|-------|
| Demand | | | | m | m | m | |
| Functions | 1am | 1am | 1am | 130am | 130am | 130am | 1am |
| Ent | 230am | 230am | 230am | 230am | 3am | 3am | 230am |

Consistency is not the only consideration. If it is felt, for example, that extending entertainment hours on Monday/Tuesday/Wednesday to 2am or 2:30am would not be appropriate at this time, then other options are available such as:

| | | | | | | | |
|---------------|-----|------|-----|--------|--------|--------|-------|
| | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Social Demand | 12 | 12 | 12 | 1230am | 1230am | 1230am | 12 |
| Functions | 1am | 1am | 1am | 130am | 130am | 130am | 1am |
| Ent | 1am | 1am | 1am | 230am | 3am | 3am | 130am |

Consideration could be given to increasing social demand festive hours by 15 minutes to 1am. It should be borne in mind that 15 minutes drinking up time applies. Also, such an increase would apply to occasional licenses as well. If increased, festive hours would be:

| | | | | | | | |
|---------------|-------|-------|-------|-------|-------|-------|-------|
| Festive | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Social Demand | 1am | 1am | 1am | 1am | 1am | 1am | 1am |
| Functions | 130am | 130am | 130am | 130am | 130am | 130am | 130am |
| Ent | 230am | 230am | 230am | 230am | 3am | 3am | 230am |

7.6 Function hours (Premises offering significant entertainment in function rooms or subject to close down)

Premises or parts of premises which ordinarily fall under paragraph 7.45 but which

- have a separate function room and/or
- are closed down and cleared of patrons for at least 30 minutes~~one hour~~ before the commencement of the function~~and, for the purpose of entertainment and/or functions and [or – the bar shall be closed such that no alcohol is sold for 15/30 minutes prior to the commencement of the function~~

c. where the provision of alcohol is ancillary to the entertainment function.

e.d. No general public entry is permissible and entry should be limited and controlled

Entertainment functions considered acceptable for this purpose include dances, discos, dinner-dances, wedding receptions and parties where a disco or band is provided. Entertainment functions generally not considered acceptable for this purpose include darts, dominos or pool competitions, karaoke evenings, race nights, or private parties where there is no significant entertainment as these events can take place during the hours set out in Section 7.45. Where live entertainment is not an integral part of the function then this would also not be acceptable eg background ~~piano~~ music. The entertainment functions must not be for general public entry and entry should be limited and controlled e.g. by payment or ticket.

| Period | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|--------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|---------------|---------------|-----------------------|
| Annually except festive period | 4pm 1:30am | 4pm 1:30am | 4pm 1:30am | 4am 1:30am | 1.30am | 1.30am | 4am 1:30am |
| <u>Weddings</u> | <u>1am</u> | <u>1am</u> | <u>1am</u> | <u>1am</u> | <u>1:30am</u> | <u>1:30am</u> | <u>1am</u> |
| Festive period | 1.30am | 1.30am | 1.30am | 1.30am | 1.30am | 1.30am | 1.30am |

| Comments |
|---|
| These hours are generally referred to as function hours. It is suggested they are labelled as such. |
| The requirement for a closedown can also be reviewed. |
| The purpose of operating a closedown in a premises where a function is taking place is to separate social drinkers from those attending a function. Function hours are later than social demand hours. A closedown avoids a social drinker staying in the same place and continuing drinking without being part of the function activity. That social drinker would be able to drink alcohol for longer than social demand hours. A closedown also allows for better control of a function. |
| The closedown period is set at one hour. Over the years several applicants have sought to reduce this period. If it is to be reduced, |

the question is what to. 30 minutes has been suggested but that is a matter for the Board.

Perth and Kinross Licensing Forum make further recommendations on the closedown requirement.

Recommendation

- Preferred Option – 15 minute shut down of the bar and no to clear the area
- Compromise Option – 30 minutes shut down of the bar and not to clear the area

Reasons

- Causes confusion to customer
- Opportunity to expand business
- For some premises, social demand patrons can move to a different part of the premises to wait to return when the function commences, however, for other premises social demand patrons have to leave the premises at closedown which can lead to noise and antisocial behaviour issues outside.
- If a wedding has been on, some may wish to stay on but may have to wait one hour.
- Social demand patrons can go next door and consume alcohol but not if in the same premises due to the closedown.
- Should the period be 30 minutes, patrons are less likely to stay on as social drinkers.

Evidence

- Current situation causes an issue at present for premises and police
- Patrons going out into cold air causes issues
- Does not exist elsewhere i.e. Edinburgh and Glasgow

Comment – if the Forum recommendation is accepted, that would mean social demand patrons can remain in the same part of the premises where the function is due to take place. It then becomes an operational issue for the premises licence holder to close the bar so that no alcohol is sold for the specified period of time and then to control entry to the function so that social demand patrons are choosing to attend the function rather than just continuing on drinking.

The Board has an agreed position that licensed hours for weddings on Sundays to Wednesdays can extend to 1am. This should be

reflected in policy (this may not be required if the Board accepts the Licensing Forum's recommendation on function hours (see below))

Perth and Kinross Licensing Forum also make recommendations on extending function hours.

Recommendation

- Increase hours to 1:30am, 7 days per week

Reasons

- Increase in demand for weddings and other functions midweek
- Attract more business to area
- Cost implication for couples getting married
- Support existing businesses

Evidence

- Increase in number of occasionals being requested for midweek to over weddings
- Modernising and bringing PKC into line with other areas

The Forum has provided further information at the end of this recommendation although it can apply to all their recommendations:

POPULATION GROWTH

<https://www.dailyrecord.co.uk/news/local-news/population-perth-kinross-rise-7000-12295014>

The population of Perth and Kinross, believed to have stood at 150,680 just two years ago, is projected to increase to 157,468 over the next eight years.

[UK House Price Index Scotland: August 2017](#)

New housing developments:

[Proposed Local Development Plan 2](#)

Recent research has revealed that Perth is the best place in the UK to get a foot on the housing ladder.

<https://www.investinperth.co.uk/perth-is-the-place-to-get-a-foot-on-the-housing-ladder/>

Springfield Properties to construct 3,000 homes to the west of Perth. This development (Bertha Park) represents the biggest single expansion of the city in a generation.

<https://www.investinperth.co.uk/new-village-and-infrastructure-improvements-help-to-meet-perths-growing-ambitions/>

PERTH CITY PLAN:

http://www.pkc.gov.uk/media/33105/Perth-City-Plan-Part-1/pdf/Perth_City_Plan_v5_-_section_1

This plan sets out Perth's long-term vision for Perth as one of Europe's great small cities.

Perth and Perthshire's key sector strengths are in tourism, food and drink. Licensing hours are key to this and currently Perth and Kinross, although leading in many other areas of progression – licensing hours are not one of them.

Other Licensing Board Policy Statements have been consulted for comparison purposes. They are:

- Dundee – generally in favour dedicated function suites remain open until 1am; premises with substantial entertainment Friday/Saturday 0200
- Angus – 11am to midnight Sunday to Thursday, 11am – 2am for Friday/Saturday nights
- Fife – 10am to 1am (Adult entertainment); 10am to 1am Most licensed premises
- Stirling – Significant entertainment Sunday to Thursday to 11am to 2am, Friday/Saturday 3am
- Edinburgh – 9am (except Sundays 11am) to 3am (entertainment) except adult entertainment 1am.
- Glasgow – 1am, 7 days.

Comment – it should be borne in mind that the late night opening mandatory conditions apply to premises open after 1am. As a minimum a first aider must be present after 1am. Other late night conditions must be applied if certain criteria apply.

It is a matter for the Board what policy hours are but a balanced consideration should be carried out whereby neighbouring amenity should be considered as well as factors relating to the running of licensed premises.

In terms of consistency alone, this is difficult to achieve across social demand hours; function hours; and entertainment hours without there being a reduction in licensed hours on at least one evening, however the closest to consistency would be:

| | Mo n | Tue s | We d | Thur | Fri | Sat | Sun |
|------------------|---------|----------|---------|------------|------------|------------|-----|
| Social Demand | 12 | 12 | 12 | 1230a m | 1230a m | 1230a m | 12 |

| | | | | | | | |
|-----------|-----|-----|-----|-------|-------|-------|-----|
| Functions | 1am | 1am | 1am | 130am | 130am | 130am | 1am |
| Ent | 2am | 2am | 2am | 3am | 3am | 3am | 2am |

Following this model would involve later hours on Thursday and well and Friday and Saturday nights.

Alternatively, it could be:

| | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
|---------------|-----|------|-----|--------|--------|--------|-----|
| Social Demand | 12 | 12 | 12 | 1230am | 1230am | 1230am | 12 |
| Functions | 1am | 1am | 1am | 1am | 130am | 130am | 1am |
| Ent | 2am | 2am | 2am | 230am | 3am | 3am | 2am |

Or

| | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
|---------------|-------|-------|-------|--------|--------|--------|-------|
| Social Demand | 12 | 12 | 12 | 1230am | 1230am | 1230am | 12 |
| Functions | 1am | 1am | 1am | 130am | 130am | 130am | 1am |
| Ent | 230am | 230am | 230am | 230am | 3am | 3am | 230am |

Consistency is not the only consideration. If it is felt, for example, that extending entertainment hours on Monday/Tuesday/Wednesday to 2am or 2:30am would not be appropriate at this time, then other options are available such as:

| | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
|---------------|-----|------|-----|--------|--------|--------|-------|
| Social Demand | 12 | 12 | 12 | 1230am | 1230am | 1230am | 12 |
| Functions | 1am | 1am | 1am | 130am | 130am | 130am | 1am |
| Ent | 1am | 1am | 1am | 230am | 3am | 3am | 130am |

7.7 Entertainment/nightclub hours (Premises offering significant entertainment facilities and subject to conditions the Board may impose)

Premises or parts of premises where the provision of alcohol to persons frequenting the premises for consumption on the premises is ancillary to the significant entertainment provided and subject to conditions the Licensing Board may impose in relation to such premises. These include premises referred to in paragraph 6.1 above, such as nightclubs.

| Period | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|--------------------------------|------------------------|------------------------|--------------------------|----------|--------|----------|--------------------------|
| Annually except festive period | 11pm 2:30am | 11pm 2:30am | 1.30am 2:30am | 2.30am | 3.00am | 3.00am | 1.30am 2:30am |
| Festive period | 2.30am | 2.30am | 2.30am | 2.30am | 3.00am | 3.00am | 2.30am |

Where Christmas Eve and Hogmanay do not fall on a Friday or Saturday night the terminal licensed hour for those nights will be the same as for the Friday and Saturday festive period terminal licensed hour as set out in the table above.

| Comment |
|---|
| These hours are generally referred to as entertainment or nightclub hours. It is suggested they are labelled as such. |
| Perth and Kinross Licensing Forum has not made a recommendation to increase entertainment hours, however, it understands the differential argument (as referred to above) and would welcome an increase in entertainment hours Sunday to Wednesday 2:30am. |
| Other Licensing Board Policy Statements have been consulted from comparison purposes. They are: <ul style="list-style-type: none"> Dundee – nightclubs and similar 2:30am; Friday/Saturday 3am; and a (specified list of occasions) 3:30am Angus – 11am to midnight Sunday to Thursday, 11am – 2am for Friday/Saturday nights (same as functions) Fife – 10am to 2am Stirling – Significant entertainment Sunday to Thursday to 11am to 2am, Friday/Saturday 3am (same as functions) Edinburgh – 9am (except Sundays 11am) to 3am (entertainment) except adult entertainment 1am and casinos 6am (same as functions except casinos are mentioned) Glasgow – 3am city centre; 2am out with city centre <p>It is a matter for the Board what policy hours are but a balanced consideration should be carried out whereby neighbouring amenity</p> |

should be considered as well as factors relating to the running of licensed premises.

In terms of consistency alone, this is difficult to achieve across social demand hours; function hours; and entertainment hours without there being a reduction in licensed hours on at least one evening, however the closest to consistency would be:

| | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
|---------------|-----|------|-----|--------|--------|--------|-----|
| Social Demand | 12 | 12 | 12 | 1230am | 1230am | 1230am | 12 |
| Functions | 1am | 1am | 1am | 130am | 130am | 130am | 1am |
| Ent | 2am | 2am | 2am | 3am | 3am | 3am | 2am |

Following this model would involve later hours on Thursday and well and Friday and Saturday nights.

Alternatively, it could be:

| | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
|---------------|-----|------|-----|--------|--------|--------|-----|
| Social Demand | 12 | 12 | 12 | 1230am | 1230am | 1230am | 12 |
| Functions | 1am | 1am | 1am | 1am | 130am | 130am | 1am |
| Ent | 2am | 2am | 2am | 230am | 3am | 3am | 2am |

Or

| | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
|---------------|-------|-------|-------|--------|--------|--------|-------|
| Social Demand | 12 | 12 | 12 | 1230am | 1230am | 1230am | 12 |
| Functions | 1am | 1am | 1am | 130am | 130am | 130am | 1am |
| Ent | 230am | 230am | 230am | 230am | 3am | 3am | 230am |

Consistency is not the only consideration. If it is felt, for example, that extending entertainment hours on Monday/Tuesday/Wednesday to 2am or 2:30am would not be appropriate at this time, then other options are available such as:

| | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
|--|-----|------|-----|------|-----|-----|-----|
|--|-----|------|-----|------|-----|-----|-----|

| | | | | | | | |
|---------------|------|-----|------|---------|---------|---------|--------|
| Social Demand | 12 | 12 | 12 | 1230a m | 1230a m | 1230a m | 12 |
| Functions | 1a m | 1am | 1a m | 130am | 130am | 130am | 1am |
| Ent | 1a m | 1am | 1a m | 230am | 3am | 3am | 130a m |

7.8 Festive Trading

~~The Board has an existing practice of permitting longer licensed hours over the Festive period, and that will continue to be the case. The Festive period for the purposes of this aspect of the policy will be determined by the Board on an annual basis.~~

The Board permits longer licensed hours over the festive period for festive social demand hours; festive function hours; and festive entertainment hours. The period for longer hours is 8 December to 2 January. In addition, for festive function hours, individual pre-booked Christmas parties may take place from 1 December to 2 January.

Festive hours are as shown in paragraphs 7.4, 7.6, and 7.7 above.

Comment

Festive hours have been referred to in Board Policy but the period for which they apply has operated by practice, not policy.

2017 festive hours practice has been shown as suggested changes.

It should be noted that the commencement dates of 1 and 8 December change from year to year as to what day of the week they are (thus affecting how many weekends are covered before Christmas), however, the number of days before Christmas is the same. The terminal date of 2 January has consistently been selected as that is when Christmas holidays for the majority of people end.

Extended hours can be granted for a period of up to one month. Occasional licenses can be granted for up to 14 days.

7.98 Additional Considerations

Premises operating as hotels should note that if they wish to serve alcohol to residents beyond the ordinary licensed hours, they can specify the hours during which they wish to do so in their operating plan. Premises licence holders should note that the Act creates a presumption against 24 hours drinking.

In determining applications where more than one activity takes place in the premises or where parts of premises fall under different licensed hours categories as specified above, the Licensing Board will have regard to when the activities take place and the principal activity taking place. The Board may impose further conditions to ensure other activities do not take place or remain ancillary to the principal activity for those licensed hours.

Premises where more than one of the categories of licensed hours applies in different parts of the same premises will be given careful consideration. The Licensing Board may impose conditions and/or different licensed hours to those parts of premises to ensure the activities remain separate.

7.109 Extended Hours Applications

The Licensing Board may extend the licensed hours in respect of premises by such period as the Board considers appropriate. The Board will normally only do so in connection with (i) a special event or occasion to be catered for on the premises, or (ii) a special event of local or national significance. The grant of an extension of licensed hours can only last for one month.

Where the hours sought fall outwith the on-sales hours specified in this statement, the practical onus is on the applicant ~~will have~~ to provide information to enable the Board to make a decision about the application. Applications seeking hours outwith policy may be dealt with by the Board at a Board meeting rather than under delegated powers by officers. Information to be provided~~This will~~ include:-

- the hours sought
- the description of the special event or occasion
- what activities are proposed to take place during those hours
- when each activity will take place
- why the event or occasion is considered to be special, and

- why the event or 22 occasion cannot take place within the on-sales hours specified above.

Applications submitted less than 7 weeks prior to the date sought may not be capable of being processed in time for that date.

The Licensing Board, on granting extended hours, may vary the conditions of the premises licence as it considers necessary or expedient for the purposes of any of the licensing objectives. The decision whether to vary conditions will be made on an objective basis taking account of any representations made and any other relevant information available to the Board. The Board will not impose disproportionate conditions.

8. OCCASIONAL LICENCES

8.1 It is possible to make an application for an occasional licence authorising the sale of alcohol on premises which are not licensed premises. This may be made by:-

- the holder of a premises licence,
- the holder of a personal licence,
- or a representative of any voluntary organisation.

An occasional licence can only last up to a maximum of 14 days.

~~The holders of a premises licence or a personal licence may make unlimited applications.~~

There are restrictions on the number of applications a voluntary organisation can make, in any period of 12 months. Guidance is available in relation to this.

Members clubs with a premises licence may also have to apply for an occasional licence to allow for general public entry. Restrictions apply on the number of occasional that can be applied for in any period of 12 months.

To allow time to consult the Police and for objections to be made, applications should be submitted as far in advance of the event as possible. Applications

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submitted less than 7 weeks prior to the date sought may not be capable of being processed in time for that date. Applicants should also be aware that they may also require a public entertainment licence and/or a late night catering licence issued by Perth and Kinross Council under the Civic Government (Scotland) Act 1982.

8.2 Particular issues with occasional licenses include:

- The Board considers it reasonable for occasional licenses covering up to 30 days (including into the following mornings) to be granted in any one calendar year for a single premise. Where more than 30 days are sought, the Board expects a premises licence application to be submitted. Failure to do so may result in all further occasional licence applications being submitted to the Board for consideration rather than being dealt with under delegated powers. This does not apply to places such as village halls where different organisations use the same premise.
- Where the capacity of the alcohol licensed area is for 500 persons or more, an alcohol management plan (AMP) and layout plan should be submitted along with the occasional licence application. Guidance is available on what the Board expects to be in the AMP and layout plan.
- Where the licensed area sought is within an alcohol byelaw area, the licensed area should be physically enclosed by use of, for example, fencing or ropes and entry/exit should be controlled.
- For some occasional licence applications such as for outdoor areas, a layout plan showing the proposed licensed area may be requested.
- Tasters for off sales are only permitted in the immediate vicinity of the licensed area, such as a stall.
- Where a premises licence or a provisional premises licence application is applied for, occasional licences shall generally not be granted unless all Section 50 certificates for Planning, Building Standards and Food Hygiene are in place.

| Comment |
|---|
| Board practices for occasional licence applications have been set |

out in a new paragraph 8.2 with the exception of suggesting a new policy (first bullet point) for those premises applying for more than 30 days in any year.

One operation can apply for multiple occasional licenses for the same premises but this is against the spirit of the legislation and takes up considerable resources processing these applications. A clear statement could be included that if more than, say, 30 days are sought in any one calendar year then the Board expects that business to apply for a premises licence. Failure to do so may result in future applications being remitted to the Board for consideration. This would not apply to village halls or other venues used by different groups. It is not possible to state all further occasionals will be refused but rather that a premises licence application is expected. The period of 30 days is seen as reasonable, offering flexibility and is similar to the planning rule of allowing structures such as marquees for 28 days before planning permission is required.

Perth and Kinross Licensing Forum has recommended:

Recommendation

Put a limit on the number of occasionals to 30 per year per venue

Reasons

Unfair to Licensing Department with regard to work involved processing. Unfair to rural areas with fixed premises missing out on business. Unfair to premises licence holders in rural areas missing out on business i.e. weddings

Evidence

Increased number of occasionals received year on year.

Comment:

- As stated above, it is not possible to have a strict rule of only 30 days for occasionals in any calendar year. The Forum has been made aware of this.
- The number of occasionals for Perth and Kinross in recent years have been:-

| | |
|------|---------------------|
| 2014 | 894 |
| 2015 | 854 |
| 2016 | 949 |
| 2017 | 1006 |
| 2018 | 424 (to 1 May only) |

- 8.32 The Licensing Board considers the commencement of the sale of alcohol for on consumption should be no earlier than 11am. For the terminal hour beyond which alcohol must not be sold on the premises, the Licensing Board considers the following to be appropriate:-

Social demand hours (Where there is no specific entertainment)

| Period | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|--------------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| Annually except festive period | 11pm 12am | 11pm 12am | 11pm 12am | 12.30am | 12.30am | 12.30am | 12am |
| Festive period | 12.45pm 1am | 12.45pm 1am | 12.45pm 1am | 12.45pm 1am | 12.45pm 1am | 12.45pm 1am | 12.45pm 1am |

Functions (Where there is specific entertainment)

| Period | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|--------------------------------|------------------------|------------------------|------------------------|-----------------------|--------|----------|------------------------|
| Annually except festive period | 11pm 1:30am | 11pm 1:30am | 11pm 1:30am | 1am 1:30am | 1.30am | 1.30am | 12am 1:30am |
| Festive period | 1.30am | 1.30am | 1.30am | 1.30am | 1.30am | 1.30am | 1.30am |

Comment

Any changes to occasional licence hours should match the equivalent hours for premises licences set out in Section 7, above.

It should be noted that the Board has an agreed position that licensed hours for weddings on Sundays to Wednesdays can extend to 1am.

The Board considers that activities such as dances, discos and dinner-dances, wedding receptions and parties where a disco or band is provided are generally acceptable for granting an occasional licence beyond those hours set out above for where there is no specific entertainment. Darts, dominos or pool competitions, karaoke evenings, race nights or private parties where there is no significant entertainment are not generally considered acceptable activities for an occasional licence beyond those hours set out above for where there

is no specific entertainment. Where live entertainment is not an integral part of the function then this would also not be acceptable eg background—~~piano~~ music. The ~~entertainment~~/function must not be for general public entry and entry should be limited and controlled eg by payment or ticket.

The Board will pay particular attention to occasional licence applications for events primarily aimed at children and young persons and whether the provision of alcohol would be appropriate for that event.

- 8.43 For applications for licensed hours at times outwith the Board's policy, the practical onus is on the applicants ~~will require~~ to provide information to enable the Board to make a decision about whether the additional hours are appropriate in the circumstances, and are consistent with the licensing objectives. Applications seeking hours outwith policy may be dealt with by the Board at a Board meeting rather than under delegated powers by officers.

8.54 Conditions

The Board is aware of the mandatory conditions for occasional licences which are set out both in the Act and in Regulations. The Board will also consider in relation to each application whether it is necessary or expedient to impose additional conditions, to promote one or more of the licensing objectives or otherwise to give effect to the provisions of this policy statement, any supplementary licensing policy statement or to the provisions of the Act. The decision whether to impose a condition will be made on an objective basis taking account of any representations made and any other relevant information available to the Board. The Board will not impose disproportionate conditions. Detailed consideration on whether to impose local conditions will be given by the Board particularly for high risk events such as where large numbers of persons will be in attendance. The training and supervision of persons involved in the sale of alcohol may also be considered as a local condition.

9 SPECIAL ISSUES - OVERPROVISION AND OCCUPANCY CAPACITY

9.1 Overprovision

The Licensing Board must include a statement as to the extent to which it considers there to be overprovision of licensed premises or licensed premises of a particular description, in any locality within the Board's area.

At present, the Licensing Board has not reached any conclusion that there is overprovision of licensed premises of any description within its area.

The Licensing Board is ~~presently discussing~~considering the question of overprovision with Perth and Kinross Alcohol and Drugs Partnership. The Board~~and~~ will consult upon ~~and issue~~ a supplementary policy statement in respect of overprovision in the future. Meantime, the Board will continue to consider premises licence and premises licence variation applications against the grounds of refusal, including on the basis of overprovision.

| Comment |
|--|
| <p>The assessment of overprovision is a very complex area. The Board is, to a large degree, reliant on obtaining information and statistics focused on health and crime from other organisations.</p> <p>The Board previously stopped an overprovision assessment due the lack of linkage between the statistics and any harm that would demonstrate overprovision and wished to look at larger areas such as, possibly, the whole of Perth.</p> <p>Discussions have taken place with NHS Tayside through the Perth and Kinross Alcohol and Drugs Partnership. Those discussions have focused on the extent of the localities to consider and whether relevant information is available for those localities. Given the diverse nature of Perth and Kinross, it would appear that an all-area approach would not be appropriate. Focus has also been on the difficulty on obtaining relevant information that may directly link harm to off sales.</p> <p>Any assessment of overprovision will not be in place for 4 November 2018. As a result, this will come forward as a supplementary policy issue in the future.</p> |

9.2 Occupancy Capacity

The occupancy capacity of premises is one factor in the assessment of overprovision for the purpose of this policy statement, is a factor in the ground of refusal of a premises licence on the basis of overprovision, and may be a factor for consideration in an Occasional Licence application.

The Board may consider setting maximum occupancy limits to ensure the safety of persons in the premises and safe escape in the case of an emergency. If there are additional concerns about crime and disorder or public nuisance, the Licensing Board may consider setting a lower maximum occupancy limit than that recommended by Building Standards.

The Licensing Board will expect applicants to consider various factors when assessing the appropriate capacity for premises or events. These include:-

- The design and layout of the premises
- The location, availability and size of exits including emergency exits
- The nature of the premises or event
- The nature of the activities being provided
- The provision or removal of temporary structures such as a stage or furniture
- The number of staff available to supervise customers both ordinarily and in the event of an emergency
- The age of the customers
- The attendance by customers with disabilities
- The availability of suitable and sufficient sanitary accommodation
- The nature and provision of facilities for ventilation

Licence holders will be expected to have arrangements in place to monitor the number of persons present at any point to ensure that the occupancy capacity is not exceeded.

| Comment |
|--|
| The Scottish Government have prepared updated Guidance in relation to overprovision which also affects the calculation of capacity. This may necessitate capacity being recalculated. However, that guidance to Licensing Boards is not yet public and |

has not been through the necessary parliamentary process. The issue of capacity can be revisited when assessing overprovision and when approved guidance is published.

10. SPECIAL ISSUES - MEMBERS CLUBS

10.1 All clubs require to have a premises licence in the same way as other premises selling alcohol. However, most members clubs will be exempt from some provisions of the Act. Those clubs which are exempt are defined in Regulations. The Board will follow these when deciding which clubs are exempt. Those which are not exempt will have to comply with the full requirements of the Act.

10.2 The Board considers in relation to members clubs that (1) the licence holder shall continue to meet the requirements of a club of such description as may be prescribed under the Licensing (Scotland) Act 2005 (to be a qualifying club) and shall abide by its written constitution and rules, and (2) no alcohol shall be sold or supplied for consumption off the premises except to a member of the club in person.

10.3 The considerations referred to in Section 10.2 above will be imposed as local conditions on a premises licence for a qualifying club unless the circumstances of a particular application indicate otherwise and/or an applicant is able to demonstrate to the Board that the condition is not appropriate in the circumstances.

10.4 The Board considers that to be supplied alcohol, no more than 10 non-members can accompany each member of the club unless an occasional licence is in place or those persons are members of another qualifying club.

10.4 Members clubs should also be aware that they are expected to operate in a manner consistent with the five licensing objectives. The various aspects of concern set out in Section 5 of this Policy Statement should be referred to. It is important that an appropriate degree of management and supervision is exercised over the premises and all persons involved in the sale and consumption of alcohol as set out in Section 5.524.

| Comment |
|---|
| Members clubs with a premises licence are exempt from the |

assessment of overprovision; from having a designated premises manager; and from a personal licence holder having to authorise sales of alcohol.

They must be not for profit and must have a written constitution and rules covering various matters. One of the effects is that unless an occasional licence is in place, no person is to be supplied alcohol on club premises unless that person is a member; or accompanying that member by invitation; or is a member of another qualifying club.

The issue for the Board is whether to set a limit on what the numbers of accompanying guests should be. Qualifying clubs commonly refer to 5 or 10 guests in their constitution but there is no express limit in legislation before an occasional licence must be applied for to allow for general entry for the public.

Any limit should be set at a reasonable level as clubs are limited in the number of occasionals they can apply for in any calendar year.

11. SPECIAL ISSUES - EXCLUDED PREMISES - GARAGES

- 11.1 Some premises are excluded from authorising the sale of alcohol including premises or parts of premises used as a garage. Such premises are used as a garage if there is (a) sale by retail of petrol or derv (diesel), (b) the sale of motor vehicles, or (c) the maintenance of motor vehicles.
- 11.2 However, where those premises or parts of premises are used for sale by retail of petrol or derv, alcohol may be authorised to be sold in some circumstances. Alcohol may be sold where the Licensing Board determines that in relation to such premises persons resident in the locality are, or are likely to become, reliant to a significant extent on the premises as the principal source of (a) petrol or derv, or (b) groceries.
- 11.3 In determining an application for such a premises, the Licensing Board expects the applicant to provide sufficient information to enable the Board to consider:
- (i) the locality in which the premises are situated,
 - (ii) what other sources of (a) petrol or derv and/or (b) groceries are in that locality, and
 - (iii) the extent to which persons resident in that locality are, or are likely to become, reliant on the premises

as the principal source of (a) petrol or derv, or (b) groceries.

11.4 Factors the Licensing Board may consider include:-

- the number of premises selling petrol or derv or groceries in the locality;
- the distance to the nearest other premises selling petrol or derv or groceries;
- the opening hours of other premises selling petrol or derv or groceries in the locality;
- the number and/or percentage of persons resident in the locality who are, or are likely to become, reliant on the premises and,
- to what extent, the premises are the principal source of (a) petrol or derv, or (b) groceries, with particular reference to weekly groceries rather than convenience goods.

11.5 *Taking into account the licensing objectives of (a) preventing crime and disorder, (b) securing public safety (d) protecting and improving public health and (e) protecting children from harm, and therefore the government's message on drinking and driving, the Licensing Board, will impose conditions in relation to a garage which is not an excluded premises that all payments for fuel will be made separately from payments for alcohol either (i) through the use of different buildings or (ii) by payment of fuel from outside the premises or part of premises through a payment window without fuel customers entering the premises. The Licensing Board will also require the premises to have signage, the size, content and location of which it deems appropriate of that payment arrangement. The foregoing conditions will not apply when the Licensing Board is satisfied that it is not appropriate to impose such conditions.*

| Comment |
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| <p>Policy 11.5 can be reviewed. That policy insists upon a separation of payments between alcohol and fuel in petrol filling stations. Usually that means paying for fuel through a hatch from outside the premises and paying for alcohol inside the premises. Such a policy derives from case law under the Licensing (Scotland) Act 1976. The purpose of the separation of payments is to not prejudice the government's message on drink driving.</p> <p>The issue is whether this policy should be removed or remain. The somewhat complex test for excluded premises is set in law and will remain irrespective of what happens to policy 11.5.</p> |

Factors include (i) more premises licenses have been granted without the separation of payments than have been granted with the separation; (ii) do the public understand the purpose of the separation of payments?; (iii) is the separation of payments too great an inconvenience for customers?; (iv) as a customer has to pay at the hatch for fuel and then go inside for alcohol, does this increase the queuing of cars at the premises?; (v) customers have to stand outside including in winter; (vi) is paying for fuel outside quicker for the customer?; (vii) is a separation of payments more costly and less efficient for the business?; and (viii) such a policy does separate the sale of alcohol from the sale of fuel.

For information, the number of excluded premises that have been granted premises licenses has been limited. They include:

- Tesco, Scone – separation of payments operates
- Girvans of Aberfeldy – separation of payments operated until premises sold to Co-op. The petrol filling station does not now sell alcohol.
- Kirkmichael – community shop, no separation of payments
- Kinloch Rannoch – no separation of payments in the restaurant/cafe. Closed years ago.
- Pitlochry – off sales licence granted in 2017, no separation of payments.

There are also two pending applications for BP, The Triangle, Inveralmond, Perth and for BP Bullionfield, Invergowrie.

12. SPECIAL ISSUES – PAVEMENT CAFES

12.1 Pavement cafes are part of the adopted roadway. Beer gardens are not pavement cafes as they are on private ground and not part of the adopted roadway.

12.2 To operate a pavement café, planning consent and roads consent is required. The Board expects those consents to be in place before an application to include that pavement cafe in a premises licence is submitted.

12.34 During the hours of 11 am to 7pm, seven days per week alcohol may be sold and consumed on its own in the outside seating area of those premises incorporating pavement cafes provided substantial food is also available to patrons for consumption, including within the outdoor seating area, during those hours. Outwith those hours, the provision of alcohol shall be ancillary to the provision of food in the outside seating area. The Board considers that food

provided should be substantial (for example this would not include crisps or nuts on their own).

During all hours of operation of pavement cafes:

- (i) music shall not be played in or into the pavement café area
- (ii) television or similar shall not be operated in or into the pavement café area
- (iii) table service shall operate.

Applicants should provide information about what range of food they will be providing in the outside area to enable the Board to fully consider their application.

- 12.42 The Board expects that premises licence holders will not only comply with any conditions relevant to the pavement café area of their premises, but will also put in to place effective management controls, supervision and other measures to ensure that the use of such areas by patrons or by any other persons does not have a negative impact in the vicinity. The Board will take a robust approach with any premises licence holder in breach of a relevant condition or who does not have effective management controls in place.

| Comment |
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| <p>Board policy on pavement cafes has been amend on more than one occasion.</p> <p>Current policy is set out in a supplementary licensing policy statement of 22 April 2016. That increased the period when alcohol can be consumed on its own to 9pm and added in further requirements such as not playing music or televisions in or into pavement café areas and requiring table service. That supplementary policy should now be adopted into the new licensing policy statement.</p> <p>The policy cannot be revised much further (other than extending the time alcohol can be consumed on its own to 10pm) without removing the policy entirely such that there is no control over the operation of pavement cafes.</p> <p>Perth and Kinross Licensing Forum has recommended:</p> <p><u>Recommended</u></p> <ul style="list-style-type: none">The existing 9pm limit for drinking alcohol on its own is increased to 10pm but with food still to be available. |

Reasons

- To attract tourists to Perth. Tourists tend to eat later. Extend time patrons can eat within the outside area.

Evidence

- Cultural – to develop Perth as a cultural destination. Proven that drinking is less harmful whilst eating and sitting down rather than standing drinking. More attractive to families.

13. SPECIAL ISSUES – IRRESPONSIBLE PROMOTIONS

- 13.1 It is important for premises licence holders and their staff to understand that some promotions may be irresponsible and therefore a breach of mandatory conditions in terms of the Licensing (Scotland) Act 2005, Schedule 3 (premises licences) or Schedule 4 (occasional licences). Premises licence holders and staff should be aware of these conditions and should not carry out irresponsible promotions.
- 13.2 ~~The Board's understanding of what constitutes an irresponsible promotion is evolving.~~ Any interested party should contact the Board for advice, where necessary. For the avoidance of doubt, the Board does not consider that there must be linear pricing of alcohol according to the size of measure.

14. SPECIAL ISSUES – PRICE VARIATION OF ALCOHOL

- 14.1 Premises licence holders and staff should be aware in relation to both premises licences and occasional licences that a variation of price may be brought into effect only at the beginning of a period of licensed hours and no further variation of price of alcohol may be brought into effect for 72 hours. For the avoidance of doubt, the Board does not consider the use of discount cards, in general, to be a price variation although the precise terms of the use of the discount card must be considered.

15. SPECIAL ISSUES - OPERATION OF RESTAURANTS/CAFES

- 15.1 *For those premises or parts of premises which are restaurant type operations, the Board may consider, particularly for those seeking licensed hours in line with paragraph 7.4 above, imposing a local condition that any sales of alcohol for consumption on the premises will be ancillary to a meal taken on the premises. Where an off sales facility is sought, the sale of alcohol for consumption off the premises shall only be to patrons who have consumed a meal on the premises. Off sales can only take place up to 10pm.*
- 15.2 *For those premises or parts of premises which are café/refreshment type operations, the Board may consider, particularly for those seeking licensed hours in line with paragraph 7.4 above, imposing a local condition that the provision of alcohol is ancillary to the provision of food and non-alcoholic beverages on the premises. Where an off sales facility is sought, the sale of alcohol for consumption off the premises shall only be to patrons who have consumed refreshments on the premises. Off sales can only take place up to 10pm.*

| Comment |
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| <p>The whole of Policy 15 should be reviewed. Depending on the Board's view, it may be the whole of the policy should be deleted.</p> <p>The first part of 15.1 referring to sales of alcohol for consumption on the premises will be ancillary to a table meal taken on the premises becomes unnecessary where that is inserted into paragraph 7.4 on restaurant hours. The later restaurant hours are granted beyond social demand hours on the basis that alcohol is ancillary to a table meal during those later hours. That statement more properly fits in paragraph 7.4.</p> <p>The second part of 15.1 refers to off sales shall only be to patrons who have consumed a table meal on the premises. That is intended to cover the issue of customers seeking alcohol with a takeaway meal and the possibility of premises changing away from being a restaurant. It can be argued that (i) off sales from a restaurant are legitimate like any other premise; (ii) the risk of persons drinking and driving having collected a takeaway meal are less likely or at least no higher due to wide public awareness of the reduced drink drive limit; (iii) the growth of companies like Deliveroo does not fit well with the policy; (iv) businesses have diversified such that they wish to offer a variety of different facilities such as a delicatessen offer along with a meal or a café operation (v) anecdotally, the level of sales of alcohol with takeaway meals is not high; (vi) the Board in the past couple of years has not imposed this policy as a condition on several premises licences; (vii) off</p> |

sales can only be ordered up to 10pm; and (viii) removing this part of the policy would not disturb the Board's approach of alcohol being ancillary to a table meal during later restaurant hours. Arguably, removal would be more in line with the Board's approach of permitting any other activity during social demand but then limiting the provision of alcohol to the permitted activity during later licensed hours.

For Policy 15.2, that is arguably not required. A café/refreshment type operation can take place during social demand hours anyway but is not the type of operation that would justify later licensed hours, such as restaurant hours. Consumption of a limited range of food and/or consumption of non-alcoholic beverages does not amount to operating as a restaurant. Similarly, the restriction on off sales is not required and the café/refreshment operation only occurs during social demand hours when other activities and facilities are permissible. Again, some businesses, particularly cafes have diversified to include other offering such as a delicatessen with off sales included.

16. PERSONAL LICENCES

- 16.1 The Board will consider applications for personal licences from individuals living in the area of Perth and Kinross. Those living in another area should apply to the Licensing Board for that area. When considering an application for a personal licence, the Board will work with the police to establish whether the applicant has been convicted of any relevant offence (as set out in Regulations).

Where the police have advised that the applicant has an unspent conviction for a relevant offence, the Board will consider whether the application should be refused under the Act. In making a decision the Board will have regard to the seriousness and age of the conviction along with any other circumstances it considers to be relevant.

The Police or the Licensing Standards Officer may also bring relevant information to the attention of the Board not related to a conviction for a relevant offence.

The Board may refuse an application on the basis that having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a personal licence or on the basis that it is otherwise necessary to refuse the application for the purposes of any of the licensing objectives.

Similar considerations apply for an existing personal licence holder convicted of a relevant offence or where relevant information is brought to the attention of the Board by the Police or the Licensing Standards Officer.

17. LICENSING STANDARDS OFFICERS

- 17.1 A Licensing Standards Officer is employed by Perth and Kinross Council and has the functions set out in the Act. The role is threefold - guidance, mediation and compliance. The Licensing Standards Officer is also a member of the Licensing Forum for the Perth and Kinross area.

The Licensing Standards Officer works with the public, the Council's partners, particularly the police, and the business community, and other Council officers in seeking to promote the licensing objectives and ensuring compliance with the law.

Any decision whether or not to seek compliance with the licensing legislation is at the discretion of the Licensing Standards officer, acting reasonably.

- 17.2 The Council delivers enforcement activities across a range of Services and is committed to ensuring that all enforcement is carried out in an efficient and effective manner.