

## **PREMISES LICENCE**

**Issued by – Perth and Kinross Licensing Board – under the terms and conditions of the Licensing (Scotland) Act 2005**

**Premises licence number 0375**

**Date of commencement of licence 1 September 2009**

### **Postal address of premises**

**The Venue  
38 St. John Street  
Perth**

**Postcode PH1 5SP**

**Telephone number 01738 638465**

### **Description of premises**

**Large city centre premises over two floors offering traditional public house facilities, with function and night club availability over both floors. Premises specialise in quality spirits, beers and cocktails and also incorporate outdoor pavement café with a significant food menu being available in all areas.**

## Licensed hours

### ON SALES

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00am	12.00am
<i>Tuesday</i>	11.00am	12.00am
<i>Wednesday</i>	11.00am	12.00am
<i>Thursday</i>	11.00am	12.30am
<i>Friday</i>	11.00am	12.30am
<i>Saturday</i>	11.00am	12.30am
<i>Sunday</i>	11.00am	12.00am

### OFF SALES

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10.00am	10.00pm
<i>Tuesday</i>	10.00am	10.00pm
<i>Wednesday</i>	10.00am	10.00pm
<i>Thursday</i>	10.00am	10.00pm
<i>Friday</i>	10.00am	10.00pm
<i>Saturday</i>	10.00am	10.00pm
<i>Sunday</i>	10.00am	10.00pm

### NOTES:

Conditions plan varied by review on 15/11/2013.

Operating plan varied by review on 15/11/2013.

**Name and postal address (or registered address if a company), telephone number and email (where relevant) of holder of premises licence**

**St John Street Holdings Limited**

**3 St John's Place**

**Perth**

**PH1 1RZ**

**allanfrielmyles@hotmail.co.uk**

**Registered number of premises licence holder, e.g. company number, charity number (where applicable)**

**SC726735**

**Name, postal address and telephone number of premises manager named in the operating plan**

**Allan Friel-Myles**

**48 The Maltings**

**Victoria Street**

**Carnoustie**

**Angus**

**DD7 7LF**

**Number of the personal licence held by the premises manager named in the operating plan and the name of the issuing Licensing Board**

**AN/420**

**Angus Council**

## **Licence Conditions**

### **Mandatory Conditions**

#### **INTERPRETATION**

- 1 In this schedule, “the premises” means, in relation to any premises licence, the premises specified in the licence.

#### **COMPLIANCE WITH THE OPERATING PLAN**

- 2 (1) Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.
- (2) Nothing in sub-paragraph (1) is to be read as preventing or restricting the doing of anything referred to in section 63(2).
- 3 Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.

#### **THE PREMISES MANAGER**

- 4 (1) Alcohol is not to be sold on the premises at any time when—
- (a) there is no premises manager in respect of the premises,
  - (b) the premises manager does not hold a personal licence,
  - (c) the personal licence held by the premises manager is suspended, or
  - (d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.
- (2) In sub-paragraph (1), “appropriate licensing qualification” in relation to any licensed premises means any licensing qualification prescribed as such in relation to licensed premises of that description in regulations under section 91(2)(d).
- (3) Nothing in sub-paragraph (1) or paragraph 5 is to be read as requiring the premises manager to be present on the premises at the time any sale of alcohol is made.

#### **AUTHORISATION OF SALES OF ALCOHOL**

- 5 Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by—
- (a) the premises manager, or
  - (b) another person who holds a personal licence.

#### **TRAINING OF STAFF**

- 6 (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.
- (2) That is a capacity (whether paid or unpaid) which involves the person—
- (a) making sales of alcohol, or



(b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.

(2A) At any time when a person (other than a person who holds a personal licence) is working in the premises in a capacity mentioned in sub paragraph (2), there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007.

(2B) A record kept on the premises under sub paragraph (2A) must be produced to a Licensing Standards Officer on request.

(3) Regulations under sub-paragraph (1) prescribing training requirements may, in particular—

(a) provide for the accreditation by the Scottish Ministers of—

(i) courses of training, and

(ii) persons providing such courses,  
for the purposes of the regulations,

(b) prescribe different training requirements in relation to different descriptions of persons,

(c) require that any person providing training or any particular description of training in accordance with the regulations hold a personal licence or such other qualification as may be prescribed in the regulations, and

(d) require training to be undergone again at such intervals as may be prescribed in the regulations.

## **PRICING OF ALCOHOL**

**6A** (1) Alcohol must not be sold on the premises at a price below its minimum price.

(2) Where alcohol is supplied together with other products or services for a single price, sub-paragraph (1) applies as if the alcohol were supplied on its own for that price.

(3) The minimum price of alcohol is to be calculated according to the following formula—

$$\text{MPU} \times \text{S} \times \text{V} \times 100$$

Where—

MPU is the minimum price per unit,

S is the strength of the alcohol, and

V is the volume of the alcohol in litres.

(4) The Scottish Ministers are to specify by order the minimum price per unit for the purposes of sub-paragraph (3).

(5) For the purposes of sub-paragraph (3), where—

(a) the alcohol is contained in a bottle or other container, and

(b) the bottle or other container is marked or labelled in accordance with relevant labelling provisions, the strength is taken to be the alcoholic strength by volume as indicated by the mark or label.

(6) The Scottish Ministers are to specify by order the enactments which are relevant labelling provisions for the purposes of sub-paragraph (5).

**6B** (1) A package containing two or more alcoholic products (whether of the same or different kinds) may only be sold on the premises at a price equal to or greater than the sum of the prices at which each alcoholic product is for sale on the premises.

(2) Sub-paragraph (a) applies—

(a) only where each of the alcoholic products is for sale on the premises separately, and

(b) regardless of whether or not the package also contains any item which is not an alcoholic product.

(3) In this paragraph, “alcoholic product” means a product containing alcohol and includes the container in which alcohol is for sale.

**7** Where the price at which any alcohol sold on the premises for consumption on the premises is varied—

(a) the variation (referred to in this paragraph as “the earlier price variation”) may be brought into effect only at the beginning of a period of licensed hours, and

(b) no further variation of the price at which that or any other alcohol is sold on the premises for consumption on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

**7A** Where the price at which any alcohol sold on the premises for consumption off the premises is varied—

(a) the variation (referred to in this paragraph as “the earlier price variation”) may be brought into effect only at the beginning of a period of licensed hours, and

(b) no further variation in the price at which that alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

## **IRRESPONSIBLE DRINKS PROMOTIONS**

**8** (1) An irresponsible drinks promotion must not be carried on in or in connection with the premises.

(2) Subject to sub-paragraph (3), a drinks promotion is irresponsible if it—

(a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,

(b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),

(c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,

(d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),

(e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,

(f) is based on the strength of any alcohol,

(g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or

(h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

(3) Paragraphs (c) to (e) of sub-paragraph (2) apply only to a drinks promotion carried on in relation to alcohol sold for consumption on the premises.

(4) The Scottish Ministers may by regulations modify sub-paragraph (2) or (3) so as to—  
(a) add further descriptions of drinks promotions,  
(b) modify any of the descriptions of drinks promotions for the time being listed in it, or  
(c) extend or restrict the application of any of those descriptions of drinks promotions.

(5) In this paragraph, “drinks promotion” means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

### **PROVISION OF NON-ALCOHOLIC DRINKS**

- 9** (1) The conditions specified in this paragraph apply only to the extent that the premises licence authorises the sale of alcohol for consumption on the premises.
- (2) Tap water fit for drinking must be provided free of charge on request.
- (3) Other non-alcoholic drinks must be available for purchase at a reasonable price.

### **AGE VERIFICATION POLICY**

- 9A** (1) There must be an age verification policy in relation to the sale of alcohol on the premises.
- (2) An “age verification policy” is a policy that steps are to be taken to establish the age of a person attempting to buy alcohol on the premises (“the customer”) 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).
- (3) The condition specified in this paragraph does not apply in relation to any sale of alcohol which takes place on the premises merely by virtue of being treated, by section 139, as taking place on the premises.

### **PAYMENT OF ANNUAL OR RECURRING FEES**

- 10** (1) The condition specified in sub-paragraph (2) applies only in relation to a premises licence in respect of which an annual or other recurring fee is to be paid by virtue of regulations under section 136(1).
- (2) The fee must be paid as required by the regulations.

### **NOTICES — ADMISSION OF PERSONS UNDER 18**

- 11.—** (1) The condition specified in this paragraph applies only in the case of premises on which alcohol is sold for consumption on the premises.
- (2) There is to be displayed so that it is reasonably visible to customers entering the premises a sign of at least A4 size which—  
(a) states that persons under the age of 18 are not permitted on the premises; or  
(b) states that such persons are permitted on the premises or on such parts of the premises as are specified on the sign.

### **BABY CHANGING FACILITIES**

- 12.—** (1) The condition specified in this paragraph applies only in the case of premises—  
(a) which are not—



- (i) a vehicle;
- (ii) a vessel;
- (iii) a moveable structure; or
- (iv) used wholly or mainly for the purposes referred to in section 125(1);
- (b) on which alcohol is sold for consumption on the premises; and
- (c) to which children under the age of 5 are to be admitted.

(2) There are to be on the premises facilities for baby changing which are to be accessible to persons of either gender.

## **DISPLAY OR PROMOTION OF THE SALE**

- 13.—** (1) Subject to sub-paragraph (3), alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following—
- (a) a single area of the premises agreed between the Licensing Board and the holder of the licence; or
  - (b) a single area of the premises which is inaccessible to the public.

1(A) Sub paragraphs 1(B) to 1(D) apply where the premises, in so far as they are used for the sale of alcohol, are so used only or primarily for the sale of alcohol for consumption off the premises.

1(B) Any drinks promotion on the premises may take place only in any one or more of the following—

- (a) an area referred to in sub-paragraph 1(a) and (b).

- (b) a room on the premises which is used for offering the tasting of any alcohol sold on the premises (for consumption off the premises) and the resulting tasting and is separate from those areas.

1(C) A drinks promotion in connection with the premises may not take place in the vicinity of the premises.

1(D) For the purposes of sub-paragraph (1C), the “vicinity” means the area extending 200 metres from the boundary of the premises (as shown on the layout plan).”

(2) In an area agreed in terms of sub-paragraph (1)(a), a product other than alcohol may be displayed only if it is—

- (a) a non-alcoholic drink;
- (b) packaged with, and may be purchased only along with, alcohol.
- (c) a branded non-alcoholic drink.
- (d) a newspaper, magazine or other publication.

2(A) Sub-paragraph (2) is without prejudice to sub-paragraph (1A).

(3) This paragraph does not apply in respect of premises—

- (a) whose main function is to provide a visitor attraction, and
- (b) where—

- (i) the premises form part of a larger site which is used principally for the production of alcoholic drinks, or

- (ii) the visitor attraction is used to principally provide information about and promote the history and attributes of a particular alcoholic drink or a particular category of alcoholic drink.

(4) In this paragraph—

“branded non-alcoholic product” means a product which does not consist of or contain alcohol and which—



(a) bears a name or image of, or

(b) is an image of,

an alcoholic product (namely, a product consisting of or containing alcohol),

“drinks promotion” means any activity which promotes, or seeks to promote, the buying of any alcohol sold on the premises for consumption off the premises but does not include the display of any product which is —

(a) a branded non-alcoholic product for sale on the premises, or

(b) a newspaper, magazine or other publication—

(i) for sale on the premises, or

(ii) if not for sale on the premises, which does not relate only or primarily to alcohol”.

### **Late Opening Conditions**

1. A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of—
  - (a) the time at which the premises next close; and
  - (b) 5:00 am.
2. A designated person who is the holder of a personal licence must be present on the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of—
  - (a) the time at which the premises next close; and
  - (b) 5:00 am or such other time as the Licensing Board may specify.
3. There must be written policies in existence concerning—
  - (a) the evacuation of the premises; and
  - (b) the prevention of the misuse of drugs on the premises.
4. A CCTV system must be installed on the premises to the satisfaction of the appropriate chief constable and must be kept in good working order.
5. There must be persons responsible for checking on the safety and wellbeing of persons using any toilet facilities on the premises.
6. A person who holds a licence granted under section 8 of the Private Security Industry Act 2001 must be positioned at every entrance to the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of—
  - (a) the time at which the premises next close; and
  - (b) 5:00 am or such other time as the Licensing Board may specify.

## Local Conditions

1. During the hours of 11am to 7pm, seven days per week alcohol may be sold and consumed on its own in the outside seating area provided substantial food is also available to patrons for consumption, including within the outside 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. Food provided shall be substantial (not including crisps or nuts on their own).
2. SIA registered door supervisors shall be on duty at the premises when significant entertainment takes place from 30 minutes before and 30 minutes after close of the entertainment as follows:
  - A. Minimum of 2 door supervisors at any time for patrons up to 100 in number. An additional door supervisor shall be added for every 50 patrons thereafter;
  - B. Additional door supervisors shall be added as determined by management based on the number of patrons attending the entertainment;
  - C. Door supervisors shall be in radio contact;
  - D. Relief door supervisors shall be provided from trained staff resources as required;There shall be a minimum of 1 personal licence holder on duty within the premises at any time; and  
The management of the premises shall ensure that appropriate stewarding is in place for all private functions.
3. A digital CCTV system shall be in place at the premises with internal and external (front and rear of premises) camera coverage of the premises, all to the satisfaction of the Board and of the Chief Constable, Police Scotland. The CCTV system will be constantly maintained in good working order and all CCTV images will be kept for at least one month and made available to Police Scotland on request.
4. The provision of alcohol in the first floor area is for consumption on the premises only.
5. The provision of alcohol in the ground floor rear and first floor areas, when they are operating as public entertainment venues is ancillary to the entertainment provided.
6. The entertainment provided in the ground floor rear area and the 1<sup>st</sup> floor area must be on a continuous basis with breaks of not more than 15 minutes in anyone hour.
7. For the ground floor rear area and 1<sup>st</sup> floor area when operating as public entertainment venues, there shall be a minimum entry charge which shall be fixed by the Licensing Board each year beginning 1<sup>st</sup> July and ending 30<sup>th</sup> June. For the purposes of fixing the minimum entry charge, the Board shall take into account any representations from the licensees of such premises. When both areas are operating as public entertainment venues, patrons who have paid the entry charge for one area shall be permitted access to the other area without paying a further entry charge.

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8. All doors shall be fitted with self-closing hinges and shall remain in a closed position except for access and egress.
  9. Noise limiters and graphic equalisers shall be installed in the ground floor rear area and the first floor area and constantly maintained and set at levels, all to the continuing satisfaction of Environment Services, Perth and Kinross Council and the Board. The noise limiters and graphic equalisers shall be under the control of the designated premises manager only.
  10. The primary entrance to, and exit from the premises shall be St John Street through the ground floor of the premises, and the exits onto Watergate shall only be used as emergency exits, in respect of patrons.
  11. In order to control access by patrons when entertainment takes place, the management of the premises will issue tickets or stamps to patrons once entrance charges have been paid. These tickets or stamps will dictate where a patron can visit within the premises, namely the ground floor rear entertainment area and/or the 1<sup>st</sup> floor entertainment area. When the ground floor rear and/or 1<sup>st</sup> floor areas are being used for entertainment, the stewards controlling access will use “clickers” to count patrons in and out.
  12. No birthday parties or similar functions for aged 20 and under shall take place on the premises.
  13. The premises licence holder shall have a written policy for the training of all staff involved in the sale and consumption of alcohol, all to the continuing satisfaction of the Board.
  14. An incident and records book incorporating end of shift reports and a record of the number of persons on the premises when door supervisor(s) are on duty shall be kept on the premises and operated by the premises licence holder and all staff involved in the sale and consumption of alcohol, all to the continuing satisfaction of the Board. That incident and records book shall be made available to the Police and/or Licensing Standards Officer on request.

#### **Specific Conditions**

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## SUMMARY OF PREMISES LICENCE

Issued by – Perth and Kinross Licensing Board – under the terms and conditions of the Licensing (Scotland) Act 2005

**Premises licence number 0375**

### **Postal address of premises**

**The Venue  
38 St. John Street  
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**Postcode PH1 5SP**

**Telephone number 01738 638465**

### **Description of premises**

**Large city centre premises over two floors offering traditional public house facilities, with function and night club availability over both floors. Premises specialise in quality spirits, beers and cocktails and also incorporate outdoor pavement café with a significant food menu being available in all areas.**

### **Name and postal address (or registered address if a company) of premises licence holder**

**St John Street Holdings Limited  
3 St John's Place  
Perth  
PH1 1RZ**

**Registered number of premises licence holder, e.g. company number, charity number (where applicable)**

**SC726735**

**Name of premises manager named in the operating plan**

**Allan Friel-Myles**

### **Licence Conditions**

#### **Mandatory Conditions**

##### **INTERPRETATION**

- 1** In this schedule, “the premises” means, in relation to any premises licence, the premises specified in the licence.

##### **COMPLIANCE WITH THE OPERATING PLAN**

- 2** (1) Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.
- (2) Nothing in sub-paragraph (1) is to be read as preventing or restricting the doing of anything referred to in section 63(2).
- 3** Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.

##### **THE PREMISES MANAGER**

- 4** (1) Alcohol is not to be sold on the premises at any time when—
- (a) there is no premises manager in respect of the premises,
  - (b) the premises manager does not hold a personal licence,
  - (c) the personal licence held by the premises manager is suspended, or
  - (d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.
- (2) In sub-paragraph (1), “appropriate licensing qualification” in relation to any licensed premises means any licensing qualification prescribed as such in relation to licensed premises of that description in regulations under section 91(2)(d).
- (3) Nothing in sub-paragraph (1) or paragraph 5 is to be read as requiring the premises manager to be present on the premises at the time any sale of alcohol is made.

## **AUTHORISATION OF SALES OF ALCOHOL**

- 5** Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by—
- (a) the premises manager, or
  - (b) another person who holds a personal licence.

## **TRAINING OF STAFF**

- 6** (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.
- (2) That is a capacity (whether paid or unpaid) which involves the person—
- (a) making sales of alcohol, or
  - (b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.
- (2A) At any time when a person (other than a person who holds a personal licence) is working in the premises in a capacity mentioned in sub paragraph (2), there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007.
- (2B) A record kept on the premises under sub paragraph (2A) must be produced to a Licensing Standards Officer on request.
- (3) Regulations under sub-paragraph (1) prescribing training requirements may, in particular—
- (a) provide for the accreditation by the Scottish Ministers of—
    - (i) courses of training, and
    - (ii) persons providing such courses,for the purposes of the regulations,
  - (b) prescribe different training requirements in relation to different descriptions of persons,
  - (c) require that any person providing training or any particular description of training in accordance with the regulations hold a personal licence or such other qualification as may be prescribed in the regulations, and
  - (d) require training to be undergone again at such intervals as may be prescribed in the regulations.

## **PRICING OF ALCOHOL**

- 6A** (1) Alcohol must not be sold on the premises at a price below its minimum price.
- (2) Where alcohol is supplied together with other products or services for a single price, sub-paragraph (1) applies as if the alcohol were supplied on its own for that price.
- (3) The minimum price of alcohol is to be calculated according to the following formula—

$$\text{MPU} \times \text{S} \times \text{V} \times 100$$

Where—

MPU is the minimum price per unit,



S is the strength of the alcohol, and

V is the volume of the alcohol in litres.

(4) The Scottish Ministers are to specify by order the minimum price per unit for the purposes of sub-paragraph (3).

(5) For the purposes of sub-paragraph (3), where—

(a) the alcohol is contained in a bottle or other container, and

(b) the bottle or other container is marked or labelled in accordance with relevant labelling provisions, the strength is taken to be the alcoholic strength by volume as indicated by the mark or label.

(6) The Scottish Ministers are to specify by order the enactments which are relevant labelling provisions for the purposes of sub-paragraph (5).

**6B** (1) A package containing two or more alcoholic products (whether of the same or different kinds) may only be sold on the premises at a price equal to or greater than the sum of the prices at which each alcoholic product is for sale on the premises.

(2) Sub-paragraph (a) applies—

(a) only where each of the alcoholic products is for sale on the premises separately, and

(b) regardless of whether or not the package also contains any item which is not an alcoholic product.

(3) In this paragraph, “alcoholic product” means a product containing alcohol and includes the container in which alcohol is for sale.

**7** Where the price at which any alcohol sold on the premises for consumption on the premises is varied—

(a) the variation (referred to in this paragraph as “the earlier price variation”) may be brought into effect only at the beginning of a period of licensed hours, and

(b) no further variation of the price at which that or any other alcohol is sold on the premises for consumption on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

**7A** Where the price at which any alcohol sold on the premises for consumption off the premises is varied—

(c) the variation (referred to in this paragraph as “the earlier price variation”) may be brought into effect only at the beginning of a period of licensed hours, and

(d) no further variation in the price at which that alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

## **IRRESPONSIBLE DRINKS PROMOTIONS**

**8** (1) An irresponsible drinks promotion must not be carried on in or in connection with the premises.

(2) Subject to sub-paragraph (3), a drinks promotion is irresponsible if it—

- (a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
- (b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),
- (c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,
- (d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),
- (e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
- (f) is based on the strength of any alcohol,
- (g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
- (h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

(3) Paragraphs (c) to (e) of sub-paragraph (2) apply only to a drinks promotion carried on in relation to alcohol sold for consumption on the premises.

(4) The Scottish Ministers may by regulations modify sub-paragraph (2) or (3) so as to—  
(a) add further descriptions of drinks promotions,  
(b) modify any of the descriptions of drinks promotions for the time being listed in it, or  
(c) extend or restrict the application of any of those descriptions of drinks promotions.

(5) In this paragraph, “drinks promotion” means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

## **PROVISION OF NON-ALCOHOLIC DRINKS**

- 9** (1) The conditions specified in this paragraph apply only to the extent that the premises licence authorises the sale of alcohol for consumption on the premises.
- (2) Tap water fit for drinking must be provided free of charge on request.
- (3) Other non-alcoholic drinks must be available for purchase at a reasonable price.

## **AGE VERIFICATION POLICY**

- 9A** (1) There must be an age verification policy in relation to the sale of alcohol on the premises.
- (2) An “age verification policy” is a policy that steps are to be taken to establish the age of a person attempting to buy alcohol on the premises (“the customer”) 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).
- (3) The condition specified in this paragraph does not apply in relation to any sale of alcohol which takes place on the premises merely by virtue of being treated, by section 139, as taking place on the premises.

## **PAYMENT OF ANNUAL OR RECURRING FEES**

- 10** (1) The condition specified in sub-paragraph (2) applies only in relation to a premises licence in respect of which an annual or other recurring fee is to be paid by virtue of regulations under section 136(1).
- (2) The fee must be paid as required by the regulations.

## **NOTICES — ADMISSION OF PERSONS UNDER 18**

**11.—** (1) The condition specified in this paragraph applies only in the case of premises on which alcohol is sold for consumption on the premises.

(2) There is to be displayed so that it is reasonably visible to customers entering the premises a sign of at least A4 size which—

- (a) states that persons under the age of 18 are not permitted on the premises; or
- (b) states that such persons are permitted on the premises or on such parts of the premises as are specified on the sign.

## **BABY CHANGING FACILITIES**

**12.—** (1) The condition specified in this paragraph applies only in the case of premises—

- (a) which are not—
  - (i) a vehicle;
  - (ii) a vessel;
  - (iii) a moveable structure; or
  - (iv) used wholly or mainly for the purposes referred to in section 125(1);
- (b) on which alcohol is sold for consumption on the premises; and
- (c) to which children under the age of 5 are to be admitted.

(2) There are to be on the premises facilities for baby changing which are to be accessible to persons of either gender.

## **DISPLAY OR PROMOTION OF THE SALE**

**13.—** (1) Subject to sub-paragraph (3), alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following—  
(a) a single area of the premises agreed between the Licensing Board and the holder of the licence; or  
(b) a single area of the premises which is inaccessible to the public.

1(A) Sub paragraphs 1(B) to 1(D) apply where the premises, in so far as they are used for the sale of alcohol, are so used only or primarily for the sale of alcohol for consumption off the premises.

1(B) Any drinks promotion on the premises may take place only in any one or more of the following—

(a) an area referred to in sub-paragraph 1(a) and (b).

(b) a room on the premises which is used for offering the tasting of any alcohol sold on the premises (for consumption off the premises) and the resulting tasting and is separate from those areas.

1(C) A drinks promotion in connection with the premises may not take place in the vicinity of the premises.

1(D) For the purposes of sub-paragraph (1C), the “vicinity” means the area extending 200 metres from the boundary of the premises (as shown on the layout plan).”

(2) In an area agreed in terms of sub-paragraph (1)(a), a product other than alcohol may be displayed only if it is—

- (a) a non-alcoholic drink;
- (b) packaged with, and may be purchased only along with, alcohol.
- (c) a branded non-alcoholic drink.
- (d) a newspaper, magazine or other publication.



2(A) Sub-paragraph (2) is without prejudice to sub-paragraph (1A).

(3) This paragraph does not apply in respect of premises-

(a) whose main function is to provide a visitor attraction, and

(b) where-

(i) the premises form part of a larger site which is used principally for the production of alcoholic drinks, or

(ii) the visitor attraction is used to principally provide information about and promote the history and attributes of a particular alcoholic drink or a particular category of alcoholic drink.

(4) In this paragraph—

“branded non-alcoholic product” means a product which does not consist of or contact alcohol and which—

(c) bears a name or image of, or

(d) is an image of,

an alcoholic product (namely, a product consisting of or containing alcohol),

“drinks promotion” means any activity which promotes, or seeks to promote, the buying of any alcohol sold on the premises for consumption off the premises but does not include the display of any product which is —

(c) a branded non-alcoholic product for sale on the premises, or

(d) a newspaper, magazine or other publication—

(i) for sale on the premises, or

(ii) if not for sale on the premises, which does not relate only or primarily to alcohol”.

### **Late Opening Conditions**

1. A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of—
  - (a) the time at which the premises next close; and
  - (b) 5:00 am.
2. A designated person who is the holder of a personal licence must be present on the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of—
  - (a) the time at which the premises next close; and
  - (b) 5:00 am or such other time as the Licensing Board may specify.
3. There must be written policies in existence concerning—
  - (a) the evacuation of the premises; and
  - (b) the prevention of the misuse of drugs on the premises.
4. A CCTV system must be installed on the premises to the satisfaction of the appropriate chief constable and must be kept in good working order.

5. There must be persons responsible for checking on the safety and wellbeing of persons using any toilet facilities on the premises.
6. A person who holds a licence granted under section 8 of the Private Security Industry Act 2001 must be positioned at every entrance to the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of—
  - (a) the time at which the premises next close; and
  - (b) 5:00 am or such other time as the Licensing Board may specify.

### **Local Conditions**

1. During the hours of 11am to 7pm, seven days per week alcohol may be sold and consumed on its own in the outside seating area provided substantial food is also available to patrons for consumption, including within the outside 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. Food provided shall be substantial (not including crisps or nuts on their own).
2. SIA registered door supervisors shall be on duty at the premises when significant entertainment takes place from 30 minutes before and 30 minutes after close of the entertainment as follows:
  - A. Minimum of 2 door supervisors at any time for patrons up to 100 in number. An additional door supervisor shall be added for every 50 patrons thereafter;
  - B. Additional door supervisors shall be added as determined by management based on the number of patrons attending the entertainment;
  - C. Door supervisors shall be in radio contact;
  - D. Relief door supervisors shall be provided from trained staff resources as required;There shall be a minimum of 1 personal licence holder on duty within the premises at any time; and  
The management of the premises shall ensure that appropriate stewarding is in place for all private functions.
2. A digital CCTV system shall be in place at the premises with internal and external (front and rear of premises) camera coverage of the premises, all to the satisfaction of the Board and of the Chief Constable, Police Scotland. The CCTV system will be constantly maintained in good working order and all CCTV images will be kept for at least one month and made available to Police Scotland on request.
3. The provision of alcohol in the first floor area is for consumption on the premises only.
4. The provision of alcohol in the ground floor rear and first floor areas, when they are operating as public entertainment venues is ancillary to the entertainment provided.

5. The entertainment provided in the ground floor rear area and the 1<sup>st</sup> floor area must be on a continuous basis with breaks of not more than 15 minutes in anyone hour.
6. For the ground floor rear area and 1<sup>st</sup> floor area when operating as public entertainment venues , there shall be a minimum entry charge which shall be fixed by the Licensing Board each year beginning 1<sup>st</sup> July and ending 30<sup>th</sup> June. For the purposes of fixing the minimum entry charge, the Board shall take into account any representations from the licensees of such premises. When both areas are operating as public entertainment venues, patrons who have paid the entry charge for one area shall be permitted access to the other area without paying a further entry charge.
7. All doors shall be fitted with self-closing hinges and shall remain in a closed position except for access and egress.
8. Noise limiters and graphic equalisers shall be installed in the ground floor rear area and the first floor area and constantly maintained and set at levels, all to the continuing satisfaction of Environment Services, Perth and Kinross Council and the Board. The noise limiters and graphic equalisers shall be under the control of the designated premises manager only.
9. The primary entrance to, and exit from the premises shall be St John Street through the ground floor of the premises, and the exits onto Watergate shall only be used as emergency exits, in respect of patrons.
10. In order to control access by patrons when entertainment takes place, the management of the premises will issue tickets or stamps to patrons once entrance charges have been paid. These tickets or stamps will dictate where a patron can visit within the premises, namely the ground floor rear entertainment area and/or the 1<sup>st</sup> floor entertainment area. When the ground floor rear and/or 1<sup>st</sup> floor areas are being used for entertainment, the stewards controlling access will use “clickers” to count patrons in and out.
11. No birthday parties or similar functions for aged 20 and under shall take place on the premises.
12. The premises licence holder shall have a written policy for the training of all staff involved in the sale and consumption of alcohol, all to the continuing satisfaction of the Board.
13. An incident and records book incorporating end of shift reports and a record of the number of persons on the premises when door supervisor(s) are on duty shall be kept on the premises and operated by the premises licence holder and all staff involved in the sale and consumption of alcohol, all to the continuing satisfaction of the Board. That incident and records book shall be made available to the Police and/or Licensing Standards Officer on request.



**Specific Conditions**

OK



**OPERATING PLAN** *Licensing (Scotland) Act 2005, section 20(2)(b)(i)*

**Question 1**

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

1(a) Will alcohol be sold for consumption solely ON the premises	<b>NO</b>
1(b) Will alcohol be sold for consumption solely OFF the premises	<b>NO</b>
1(c) Will alcohol be sold for consumption both ON and OFF the premises	<b>YES</b>
*Delete as appropriate	

**Question 2**

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

<b>Day</b>	<b>ON Consumption</b>	
	<b>Opening time</b>	<b>Terminal hour</b>
<i>Monday</i>	<b>11.00am</b>	<b>12.00am</b>
<i>Tuesday</i>	<b>11.00am</b>	<b>12.00am</b>
<i>Wednesday</i>	<b>11.00am</b>	<b>12.00am</b>
<i>Thursday</i>	<b>11.00am</b>	<b>12.30am</b>
<i>Friday</i>	<b>11.00am</b>	<b>12.30am</b>
<i>Saturday</i>	<b>11.00am</b>	<b>12.30am</b>
<i>Sunday</i>	<b>11.00am</b>	<b>12.00am</b>

### **Question 3**

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION  
**OFF** PREMISES

<b>Day</b>	<b>OFF Consumption</b>	
	<b>Opening time</b>	<b>Terminal hour</b>
<i>Monday</i>	<b>10.00am</b>	<b>10.00pm</b>
<i>Tuesday</i>	<b>10.00am</b>	<b>10.00pm</b>
<i>Wednesday</i>	<b>10.00am</b>	<b>10.00pm</b>
<i>Thursday</i>	<b>10.00am</b>	<b>10.00pm</b>
<i>Friday</i>	<b>10.00am</b>	<b>10.00pm</b>
<i>Saturday</i>	<b>10.00am</b>	<b>10.00pm</b>
<i>Sunday</i>	<b>10.00am</b>	<b>10.00pm</b>

**NOTES:**

Conditions plan varied by review on 15/11/2013.

Operating plan varied by review on 15/11/2013.

### **Question 4**

#### **SEASONAL VARIATIONS**

<i>Does the applicant intend to operate according to seasonal demand</i>	<b>YES</b>
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*\*If YES – provide details*

**FESTIVE SOCIAL DEMAND (ALL AREAS), FESTIVE FUNCTION (ALL AREAS),  
FESTIVE ENTERTAINMENT HOURS (ALL AREAS) PER LICENSING BOARD  
POLICY.**



### **Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>5(a) Activity</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided <u>outwith</u> core licensed hours please confirm YES/NO</b>
<i>Accommodation</i>	N	N/A	N/A
<i>Conference facilities</i>	Y	Y	Y
<i>Restaurant facilities</i>	Y	Y	Y
<i>Bar meals</i>	Y	Y	Y
<b>5(b) Activity Social functions including:</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Receptions including (Weddings funerals,, birthdays, retirements etc)</i>	Y	Y	Y
<i>Club or other group meetings etc</i>	Y	Y	Y
<b>5(c) Activity Entertainment including:</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Recorded Music –</i>	Y	Y	Y

<b>see 5(g)</b>			
<i>Live performances – see 5(g)</i>	Y	Y	Y
<i>Dance facilities – see 5(g)</i>	Y	Y	Y
<i>Theatre</i>	Y	Y	Y
<i>Films</i>	Y	Y	N
<i>Gaming</i>	Y	Y	N
<i>Indoor/outdoor sports</i>	Y	Y	N
<i>Televised sport</i>	Y	Y	N
<b>5(d)</b> <b>Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core</b> <b>licensed hours –</b> <b>please confirm</b>  <b>YES/NO</b>	<b>Where activities</b> <b>are also to be</b> <b>provided outwith</b> <b>core licensed</b> <b>hours please</b> <b>confirm</b>  <b>YES/NO</b>
<i>Outdoor drinking facilities</i>	Y	Y	Y
<b>5(e)</b> <b>Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core</b> <b>licensed hours –</b> <b>please confirm</b>  <b>YES/NO</b>	<b>Where activities</b> <b>are also to be</b> <b>provided outwith</b> <b>core licensed</b> <b>hours please</b> <b>confirm</b>  <b>YES/NO</b>
<i>Adult entertainment – see 5(g)</i>	N	N	N

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

CONFERENCE FACILITIES, RESTAURANT FACILITIES, BAR MEALS, RECEPTIONS, CLUB AND OTHER GROUP MEETINGS (INCLUDING OUTSIDE AREA), LIVE PERFORMANCES, DANCE FACILITIES, THEATRE WILL NOT COMMENCE BEFORE 8AM AND WILL NOT CONTINUE BEYOND CORE HOURS EXCEPT WHERE PART OF FUNCTION OR SIGNIFICANT ENTERTAINMENT HOURS.

**THE OUTSIDE AREA CAN BE USED FOR THE SERVICE OF FOOD FROM 8AM. MUSIC MAY BE PLAYED AT ALL TIMES WHEN THE PREMISES ARE OPEN FOR TRADE.**

*5(f) any other activities*

*If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.*

**CHILDREN'S PARTIES, FASHION SHOWS, LIVE MUSIC EVENTS, GIGS, CONFERENCES, QUIZ NIGHTS, DANCE EVENTS, FESTIVAL/THEATRE OR COMEDY NIGHTS, LIVE SPORTING EVENTS, TALENT SHOWS, THEME NIGHTS, AWARD CEREMONIES, VIDEO/GAMING EVENTS, FUNERALS, WEDDINGS, GALA DAYS, RACE EVENTS, CLAIRVOYANT, FUND RAISING EVENTS, CLUB/ORGANISATION EVENTS, SPEED DATING, VENUE HIRE, CORPORATE EVENTS, STAFF PARTIES, TRAINING COURSES, PRODUCT LAUNCHES, KEEP FIT EVENTS, DANCING CLASSES, PRIVATE FUNCTIONS, DJ AND DISCOTHEQUE MUSIC, AND DANCE AREA.**

**ALL INDOOR AREAS - CORE HOURS (SOCIAL DEMAND), FUNCTION AND SIGNIFICANT ENTERTAINMENT HOURS ALL AS PER LICENSING BOARD POLICY. WHERE ANY AREA HAS BEEN USED FOR CORE HOURS (SOCIAL DEMAND) THAT AREA SHALL BE CLEARED OF PATRONS FOR 30 MINUTES BEFORE THE COMMENCEMENT OF ANY FUNCTION OR ENTERTAINMENT. WHERE AN AREA IS USED FOR A FUNCTION THAT AREA SHALL BE CLEARED OF PATRONS 30 MINUTES BEFORE THE COMMENCEMENT OF ANY SIGNIFICANT ENTERTAINMENT.**

*5(g) Late night premises opening after 1.00am*

*Where you have confirmed that you are providing either live or recorded music, dancing or adult entertainment, any combination of these or all please provide the following details*

<i>Will the music level exceed 85dB?</i>	<b>NO</b>
<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<b>YES</b>
<i>*Delete as appropriate</i>	



**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	<b>YES</b>
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

**CHILDREN TO BE ACCOMPANIED AND SUPERVISED BY AN ADULT OVER THE AGE OF 18 YEARS.**

**YOUNG PERSONS UNACCOMPANIED.**

**CHILD OR YOUNG PERSON WILL ALSO BE ADMITTED ACCESS AS ENTERTAINER OR PART OF LIVE MUSIC PERFORMANCE.**

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

**ALL AGES**

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

**CHILDREN UNTIL 11PM OR UNTIL END OF APPROPRIATE PRIVATE FUNCTION.**

**YOUNG PERSONS DURING CORE (SOCIAL DEMAND) HOURS OR UNTIL END OF APPROPRIATE PRIVATE FUNCTION.**

**THE EXCEPTION TO THE ABOVE IS A CHILD OR YOUNG PERSON WILL ALSO BE ADMITTED ACCESS AS ENTERTAINER OR PART OF LIVE MUSIC PERFORMANCE.**

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

**ALL PUBLIC AREAS INCLUDING OUTSIDE DRINKING AREA.**

**Question 7**

**CAPACITY OF PREMISES**

**What is the proposed capacity of the premises to which this application relates?**

**ON SALES - 591**

**CAPACITY BREAKDOWN - 591**

### **Question 8**

**PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)**

*Personal details*

8(a) Name

**ALLAN FRIEL-MYLES**

8(b) Date of birth

**7 JULY 1978**

8(c) Contact address

**48 THE MALTINGS  
VICTORIA STREET  
CARNOUSTIE  
ANGUS  
DD7 7LF**

8(d) Email address

**ALLAN.FRIEL-MYLES@INDIGOLEISURE.CO.UK**

8(e) Personal licence

<b>Date of issue</b>	<b>Name of Licensing Board issuing</b>	<b>Reference no. of personal licence</b>
<b>1 SEPTEMBER 2019</b>	<b>ANGUS COUNCIL</b>	<b>AN/420</b>



