

## **Angus Licensing Board**

### **PREMISES LICENCE**

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

<b>Premises licence number    309</b>
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<b>Date of commencement of licence    1 September 2009</b>
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<b>Postal address of premises</b>
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**Nineteenth Hole  
8 Ferrier Street  
Carnoustie**

<b>Postcode DD7 7HT</b>
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<b>Telephone number</b>
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<b>Description of premises</b>
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**A Hotel with four bedrooms, lounge bar, a games area and outside drinking area.  
The premises provide alcoholic beverages, hot and cold beverages as well as hot  
and cold food.**

# Angus Licensing Board

Clerk: Jackie Buchanan  
PLACE

## Licensed hours

### ON SALES

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00	24.00
<i>Tuesday</i>	11.00	24.00
<i>Wednesday</i>	11.00	24.00
<i>Thursday</i>	11.00	24.00
<i>Friday</i>	11.00	01.00
<i>Saturday</i>	11.00	01.00
<i>Sunday</i>	11.00	24.00

### OFF SALES

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00	22.00
<i>Tuesday</i>	11.00	22.00
<i>Wednesday</i>	11.00	22.00
<i>Thursday</i>	11.00	22.00
<i>Friday</i>	11.00	22.00
<i>Saturday</i>	11.00	22.00
<i>Sunday</i>	11.00	22.00

NOTES:

# Angus Licensing Board

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

**Greene King Retailing Limited  
Westgate Brewery  
Bury St Edmonds  
Suffolk  
IP33 1QT  
01786 464446**

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

**5265451**

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

**Allan Raymond Friel-Myles  
48 The Maltings  
Victoria Street  
CARNOUSTIE  
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 Licensing Board**

## **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 (1) 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,

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- (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, of alcohol for consumption off the premises**

- 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.
- (1A) Sub-paragraphs (1B) to (1D) 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.
- (1B) 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.
- (1C) A drinks promotion in connection with the premises may not take place in the vicinity of the premises.
- (1D) 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 product, or
- (d) a newspaper, magazine or other publication.

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

(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 principally to 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.

## **MODEL LOCAL CONDITIONS - CHILDREN**

### **1. General**

The licence holder must operate the premises in accordance with the description of the premises detailed in the licence, as approved by the Licensing Board.

### **2. Access to Licensed Premises (On Sales) by Children**

## **Angus Licensing Board**

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Children and young persons will only be permitted to access and remain within on-sale licensed premises in accordance with the details specified in the Operating Plan. In addition the following control measures will require to be in place:-

(a) (i) WHERE FOOD IS SOLD ANCILLARY TO ALCOHOL

Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to consume a meal. Children and young persons will only be permitted in licensed premises until 9.00pm or one hour after cessation of serving of food to the individual person or group of persons consuming the meal, whichever is the earlier.

(ii) WHERE ALCOHOL IS SOLD ANCILLARY TO FOOD IE RESTAURANTS

Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to consume a meal. Children and young persons will be permitted in the licensed premises until one hour after the cessation of serving food to the individual person or group of persons consuming the meal.

(iii) WHERE ALCOHOL IS SOLD ANCILLARY TO A FUNCTION/  
ENTERTAINMENT

Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to attend a pre-booked private function or a ticketed function until the termination of the function.

(iv) WHERE NO FOOD IS SOLD

No children under the age of 16 will be permitted into any premises and young persons aged 16 or 17 will only be permitted in the licensed premises until 9.00pm.

(v) ALCOHOL SOLD IN LEISURE CLUBS ETC.

Notwithstanding the foregoing restrictions, if requested by an applicant or licence holder, the Board may declare that it is satisfied that specific Licensed Premises (such as a family leisure club or family orientated hotel) substantially cater for family activities and recreation involving children and young persons. In such instances, Children and Young Persons will be permitted to remain within the Licensed Premises during the hours when the Licensed Premises are catering for family activities and recreation, but children will not be permitted in any bar area beyond 9:00 pm.

(vi) ALCOHOL SOLD IN PREMISES IN REMOTE AND RURAL AREAS

Notwithstanding the foregoing restrictions, if requested by an applicant or licence holder, the Board may declare that it is satisfied that specific Licensed Premises are located in a remote and rural area and provide services and facilities that substantially cater for tourism. In such instances, Children and Young Persons will be permitted

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access to the premises without the requirement to be taking a meal, but children will not be permitted in any bar area beyond 9:00 pm. For the purposes of these Conditions, remote and rural areas are defined as being within that part of the Angus Local Authority Area within the Cairngorm National Park, or identified as Category 2 Rural Settlement Units in the Angus Local Plan Review (Adopted 2009).

## (vii) ALCOHOL SOLD IN PRESCRIBED CLUBS

Notwithstanding the foregoing restrictions, if requested by an applicant or licence holder, the Board may declare that it is satisfied that specific Licensed Premises qualify as a club of a prescribed description within the meaning of the Licensing (Clubs) (Scotland) Regulations 2007 and which is devoted primarily to some sporting purpose. In such instances, Children and Young Persons will be permitted to remain within the Licensed Premises, only if they were members of the club and solely for the purposes of their participation in a sporting event, but that children would not be permitted in any bar or other area beyond 9.00 pm. For the avoidance of doubt, the viewing of a televised sporting event is not a sporting event for the purposes of this condition.

(b) Children and young persons are only permitted to be present in licensed premises seated at tables and not bar counters.

(c) Children and young persons must be accompanied by and kept under the direct supervision of a responsible adult (not less than the age of 18) who must keep proper control of the children at all times.

(d) The part or parts of the licensed premises where children and young persons are permitted should be free of gaming and/or category C amusements with prizes machines.

(e) Gaming and category C amusements with prizes machines should not be located in walkway areas and must be sited in a location where their use can be monitored by staff and no children or young persons will be permitted to operate said machines.

(f) Where televisions or screens for live or pre-recorded entertainment or games are intended to be used in areas where children are permitted, the programmes or video films must be of a type suitable for family and children's viewing.

(g) Male and female toilets must be directly accessible from the area where children are allowed and remain open at all times when children are in the premises.

(h) A children's menu shall be made available at all times during which children or young persons are permitted to be on the premises. This would not be satisfied by the provision of soft drinks or snacks but would require to be plated food from a varied menu which may include sandwiches. There is no requirement to provide a children's menu at a wedding or other pre-booked private function or ticketed function.

(i) Electrical sockets within the part or parts of the premises to which children have access should, when not in use, have plug caps thereon.

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(j)Where open fires or electrical or gas fires or radiators are within part or parts of the premises to which children have access, it is expected that such fires and radiators etc. will be securely guarded.

(k)Managers must ensure that stringent measures are in place to ensure that children or young people do not purchase or consume alcohol on the premises (unless such consumption by a young person is permitted in terms of the restricted provisions of Section105(5) of the Act).

(l)Managers must ensure that stringent measures are taken to ensure that children and young persons are not exposed to strong language, violence or disorder.

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**ADDITIONAL CONDITIONS**

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## **Angus Licensing Board**

### **SUMMARY OF PREMISES LICENCE**

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

<b>Premises licence number    309</b>
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<b>Postal address of premises</b>
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**Nineteenth Hole**

**8 Ferrier Street**

**Carnoustie**

<b>Postcode DD7 7HT</b>
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<b>Telephone number</b>
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<b>Description of premises</b>
--------------------------------

**A Hotel with four bedrooms, lounge bar, a games area and outside drinking area.  
The premises provide alcoholic beverages, hot and cold beverages as well as hot  
and cold food.**

<b>Name and postal address (or registered address if a company) of premises licence holder</b>
--

**Greene King Retailing Limited**

**Westgate Brewery**

**Bury St Edmunds**

**Suffolk**

**IP33 1QT**

<b>Registered number of premises licence holder, e.g. company number, charity number (where applicable)</b>
---

**5265451**

<b>Name of premises manager named in the operating plan</b>
---

**Allan Raymond 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—
    - (c) the alcohol is contained in a bottle or other container, and



- (d) 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 (1) 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),

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- (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, of alcohol for consumption off the premises**

- 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.
- (1A) Sub-paragraphs (1B) to (1D) 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.
- (1B) 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.
- (1C) A drinks promotion in connection with the premises may not take place in the vicinity of the premises.
- (1D) 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).

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(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 product, or
- (d) a newspaper, magazine or other publication.

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

(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 principally to 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.

### MODEL LOCAL CONDITIONS - CHILDREN

#### 1. General

The licence holder must operate the premises in accordance with the description of the premises detailed in the licence, as approved by the Licensing Board.

#### 2. Access to Licensed Premises (On Sales) by Children

Children and young persons will only be permitted to access and remain within on-sale licensed premises in accordance with the details specified in the Operating Plan. In addition the following control measures will require to be in place:-

(a) (i) WHERE FOOD IS SOLD ANCILLARY TO ALCOHOL

Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to consume a meal. Children and young persons will only be permitted in licensed premises until 9.00pm or one hour after cessation of serving of food to the individual person or group of persons consuming the meal, whichever is the earlier.

(ii) WHERE ALCOHOL IS SOLD ANCILLARY TO FOOD IE RESTAURANTS

Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to consume a meal. Children and young persons will be permitted in the licensed premises until one hour after the cessation of serving food to the individual person or group of persons consuming the meal.

(iii) WHERE ALCOHOL IS SOLD ANCILLARY TO A FUNCTION/  
ENTERTAINMENT

Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to attend a pre-booked private function or a ticketed function until the termination of the function.

(iv) WHERE NO FOOD IS SOLD

No children under the age of 16 will be permitted into any premises and young persons aged 16 or 17 will only be permitted in the licensed premises until 9.00pm.

(v) ALCOHOL SOLD IN LEISURE CLUBS ETC.

Notwithstanding the foregoing restrictions, if requested by an applicant or licence holder, the Board may declare that it is satisfied that specific Licensed Premises (such as a family leisure club or family orientated hotel) substantially cater for family activities and recreation involving children and young persons. In such instances, Children and Young Persons will be permitted to remain within the Licensed Premises during the hours when the Licensed Premises are catering for family activities and recreation, but children will not be permitted in any bar area beyond 9:00 pm.

(vi) ALCOHOL SOLD IN PREMISES IN REMOTE AND RURAL AREAS

Notwithstanding the foregoing restrictions, if requested by an applicant or licence holder, the Board may declare that it is satisfied that specific Licensed Premises are located in a remote and rural area and provide services and facilities that substantially cater for tourism. In such instances, Children and Young Persons will be permitted access to the premises without the requirement to be taking a meal, but children will not be permitted in any bar area beyond 9:00 pm. For the purposes of these Conditions, remote and rural areas are defined as being within that part of the Angus

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Local Authority Area within the Cairngorm National Park, or identified as Category 2 Rural Settlement Units in the Angus Local Plan Review (Adopted 2009).

### **(vii) ALCOHOL SOLD IN PRESCRIBED CLUBS**

Notwithstanding the foregoing restrictions, if requested by an applicant or licence holder, the Board may declare that it is satisfied that specific Licensed Premises qualify as a club of a prescribed description within the meaning of the Licensing (Clubs) (Scotland) Regulations 2007 and which is devoted primarily to some sporting purpose. In such instances, Children and Young Persons will be permitted to remain within the Licensed Premises, only if they were members of the club and solely for the purposes of their participation in a sporting event, but that children would not be permitted in any bar or other area beyond 9.00 pm. For the avoidance of doubt, the viewing of a televised sporting event is not a sporting event for the purposes of this condition.

(b) Children and young persons are only permitted to be present in licensed premises seated at tables and not bar counters.

(c) Children and young persons must be accompanied by and kept under the direct supervision of a responsible adult (not less than the age of 18) who must keep proper control of the children at all times.

(d) The part or parts of the licensed premises where children and young persons are permitted should be free of gaming and/or category C amusements with prizes machines.

(e) Gaming and category C amusements with prizes machines should not be located in walkway areas and must be sited in a location where their use can be monitored by staff and no children or young persons will be permitted to operate said machines.

(f) Where televisions or screens for live or pre-recorded entertainment or games are intended to be used in areas where children are permitted, the programmes or video films must be of a type suitable for family and children's viewing.

(g) Male and female toilets must be directly accessible from the area where children are allowed and remain open at all times when children are in the premises.

(h) A children's menu shall be made available at all times during which children or young persons are permitted to be on the premises. This would not be satisfied by the provision of soft drinks or snacks but would require to be plated food from a varied menu which may include sandwiches. There is no requirement to provide a children's menu at a wedding or other pre-booked private function or ticketed function.

(i) Electrical sockets within the part or parts of the premises to which children have access should, when not in use, have plug caps thereon.

(j) Where open fires or electrical or gas fires or radiators are within part or parts of the premises to which children have access, it is expected that such fires and radiators etc. will be securely guarded.

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(k) Managers must ensure that stringent measures are in place to ensure that children or young people do not purchase or consume alcohol on the premises (unless such consumption by a young person is permitted in terms of the restricted provisions of Section 105(5) of the Act).

(l) Managers must ensure that stringent measures are taken to ensure that children and young persons are not exposed to strong language, violence or disorder.

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**ADDITIONAL CONDITIONS**

OK

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

### Question 1

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

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

### 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>11.00</b>	<b>24.00</b>
<i>Tuesday</i>	<b>11.00</b>	<b>24.00</b>
<i>Wednesday</i>	<b>11.00</b>	<b>24.00</b>
<i>Thursday</i>	<b>11.00</b>	<b>24.00</b>
<i>Friday</i>	<b>11.00</b>	<b>01.00</b>
<i>Saturday</i>	<b>11.00</b>	<b>01.00</b>
<i>Sunday</i>	<b>11.00</b>	<b>24.00</b>

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## Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00	22.00
<i>Tuesday</i>	11.00	22.00
<i>Wednesday</i>	11.00	22.00
<i>Thursday</i>	11.00	22.00
<i>Friday</i>	11.00	22.00
<i>Saturday</i>	11.00	22.00
<i>Sunday</i>	11.00	22.00

NOTES:

## Question 4

SEASONAL VARIATIONS

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

CHRISTMAS EVE  
CHRISTMAS DAY  
HOGMANAY  
NEW YEAR'S DAY

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## 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 outwith core licensed hours please confirm YES/NO</b>
Accommodation	Y	N/A	N/A
Conference facilities	N	N	N
Restaurant facilities	N	N	N
Bar meals	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>
Receptions including (Weddings funerals,, birthdays, retirements etc)	Y	Y	N
Club or other group meetings etc	Y	Y	N
<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>
Recorded Music – see 5(g)	Y	Y	Y
Live performances – see 5(g)	Y	Y	N
Dance facilities – see 5(g)	N	N	N
Theatre	N	N	N
Films	Y	Y	Y

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

**RESIDENTS WILL ENJOY STANDARD RIGHTS OF ALCOHOLIC REFRESHMENT FOR THEMSELVES AND THEIR GUESTS OUTWITH CORE HOURS.**

**BAR MEALS - WE MAY OPEN FOR THE SUPPLY OF FOOD AND NON ALCOHOLIC DRINKS. BREAKFASTS**

**FOR RESIDENTS AND NON-RESIDENTS SHALL BE SERVED FROM 7AM ON ALL DAYS.**

**RECORDED MUSIC MAY BE PLAYED OUTWITH CORE HOURS TO ACCOMPANY PROVISION OF FOOD.**

**FILMS MAY BE AVAILABLE IN THE ROOMS TO BE VIEWED 24 HOURS.**

**INDOOR SPORTS MAY BE AVAILABLE OUTWITH CORE HOURS FOR THE USE OF RESIDENTS.**

**NO ALCOHOL WILL BE SOLD OUTWITH CORE HOURS.**

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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.

**QUIZ NIGHTS**

**DOMINOES**

**CHARITY NIGHTS**

**OR SIMILAR SOCIAL ACTIVITIES APPROPRIATE TO THE TARGET MARKET.**

**RESIDENTS WILL HAVE ACCESS TO MINI-BARS IN THEIR BEDROOMS.**

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

Will the music level exceed 85dB?	
When fully occupied, are there likely to be more customers standing than seated?	
*Delete as appropriate	

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

### **CHILDREN AND YOUNG PERSONS**

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

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

**ACCOMPANIED BY A RESPONSIBLE ADULT.**

**WILL BE ADMITTED WHEN RESIDENT IN THE HOTEL.**

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

**0 - 17 YEARS.**

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

**LOCAL CHILDREN'S CONDITIONS SHALL APPLY IN ACCORDANCE WITH THE ACTIVITY OR SERVICE PROVIDED ON THE PREMISES.**

**WILL BE ALLOWED ON PREMISES AT ALL TIMES WHEN RESIDENT AT THE HOTEL.**

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

**ALL PUBLIC AREAS EXCEPT THE GAMES AREA IN THE MAIN LOUNGE.**

**WHEN RESIDENT THEY WILL BE ADMITTED TO HOTEL BEDROOMS AND ALL PUBLIC AREAS**

**Question 7**

**CAPACITY OF PREMISES**

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

**ON SALES - 222**

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## Question 8

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

*Personal details*

8(a) Name

**ALLAN RAYMOND FRIEL-MYLES**

8(b) Date of birth

**7 JULY 1978**

8(c) Contact address

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

8(d) Email address

**ALLANFRIELMYLES@HOTMAIL.CO.UK**

8(e) Personal licence

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