

ANGUS LICENSING BOARD – 5 APRIL 2018

APPLICATIONS FOR AN OCCASIONAL LICENCE

REPORT BY CLERK TO THE BOARD

ABSTRACT

The purpose of this report is to present applications for an occasional licence under the Licensing (Scotland) Act 2005 which require to be determined by the Board.

1. RECOMMENDATIONS

It is recommended that the Board consider and determine each Application in terms of one of the following options:-

- (i) to grant the application, subject to the Mandatory Conditions and any other discretionary or local conditions which the Board may wish to impose; or
- (ii) to refuse the application on one or more of the grounds referred to in Paragraph 3.

2. BACKGROUND

The Board has received applications in respect of an occasional licence under the Licensing (Scotland) Act 2005 which require to be determined by the Board. The matters referred to in this report are not subject to delegation and must be determined by the Licensing Board.

3. LEGAL IMPLICATIONS

3.1 The Board must consider whether any of the grounds for refusal specified in Section 59(6) of the Licensing (Scotland) Act 2005 applies and –

- (a) if none of them applies, the Board must grant the application;
- (b) if any of them applies, the Board must refuse the application.

3.2 The grounds for refusal are:-

- (a) that the premises to which the application relates are excluded premises;
- (b) that the application must be refused under section 56(6A), (If the granting of an occasional licence application would result in the occasional licence limit being exceeded), 64(2) (If the granting of an occasional licence application would allow alcohol to be sold in the premises for a continuous period of 24 hours or more), or 65(3) (If the granting of an occasional licence application is such that the hours proposed in the application would permit alcohol to be sold for consumption off the premises before 10am, after 10pm, or both);
- (c) that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives;
- (d) that, having regard to –
 - (i) the nature of the activities proposed to be carried on in the premises to which the application relates;
 - (ii) the location, character and condition of the premises; and
 - (iii) the persons likely to frequent the premises,

the Board considers that the premises are unsuitable for use for the sale of alcohol.

3.3. In determining any application which is to be determined in accordance with Paragraph 3.2 the Board must take into account any report from a Licensing Standards Officer under Section 57(3) of the Licensing (Scotland) Act 2005.

3.4. The Board must also, in determining any application, have regard to a notice made by any person to the Board under section 58 of the Licensing (Scotland) Act 2005 objecting to the occasional application on any ground relevant to one of the grounds for refusal specified at paragraph 3.2 above, and to any representations made to the Board concerning the application, including, in particular, representations:-

- (i) in support of the application; or
- (ii) as to conditions which the person considers should be imposed.

The Board may reject a notice of objection or representation under Section 58 of the Licensing (Scotland) Act 2005 if the objection or representation is frivolous or vexatious.

3.5. Where the Board grants an Occasional licence, the Board may impose such other conditions (in addition to those to which the licence is subject by virtue of Schedule 4 of the Licensing (Scotland) Act 2005) as they consider necessary or expedient for the purposes of any of the licensing objectives.

The Board may not impose a condition which:-

- (i) is inconsistent with any condition –
 - (a) to which the occasional licence is subject by virtue of Schedule 4,
 - (b) or prescribed
- (ii) would have the effect of making any such condition more onerous or more restrictive; or
- (iii) relates to a matter (such as planning, building control or food hygiene) which is regulated under another enactment.

4. INFORMATION

In the absence of, and on behalf of, The Licensing Standards Officer, reports have been raised as detailed in the attached Appendices.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

6. HUMAN RIGHTS IMPLICATIONS

In dealing with the matters set out in this report the Board will have regard to any human rights issues to the applicant/applicants.

7. CONSULTATION

The Divisional Commander, Tayside Division of Police Scotland has been consulted in the preparation of this Report.

8. NOTIFICATION

The applicant(s) and the persons submitting representations and or objections have been notified of the terms of this report. They have also been advised of their entitlement to attend the Board should they wish.

REPORT AUTHOR: Nannette Page, Senior Solicitor

EMAIL DETAILS: lawlicensing@angus.gov.uk

(a) MONTROSE MUSIC FESTIVAL, HIGH STREET, MONTROSE

An application has been received from Anne Jenkins for Montrose Music Festival Ltd, a voluntary organisation, requesting an Occasional Licence on Saturday 26 May and Sunday 27 May 2018 in respect of the Montrose Music Festival on Montrose High Street as per plan attached at **Annexe A**

The hours requested when alcohol will be sold for consumption on the premises are:-

Saturday 26 May 2018 - 11am to 6pm
Sunday 27 May 2018 - 1pm to 6pm

The hours requested when alcohol will be sold for consumption off the premises are:-

Saturday 26 May 2018 - 11am to 6pm
Sunday 27 May 2018 - 1pm to 6pm

To assist the Board in determining this application a report has been submitted on behalf of the Licensing Standards Officer.

Occasional Licence Application 4205

Report on behalf of Licensing Standards Officer

Applicant Details

Applicant: Anne Jenkins for Montrose Music Festival Ltd

Applying as: Voluntary Organisation (Charitable)

Premises or area to be licensed: Area on High Street, Montrose, DD10 8QZ
(Layout plan as per Annexe A)

Dates required: Saturday 26 May & Sunday 27 May 2018

Times required: Saturday 26 May 2018 - 11.00hrs – 18.00hrs
Sunday 27 May 2018 - 13.00hrs - 18.00hrs

On sales: Saturday 26 May 2018 - 11.00hrs - 18:00hrs
Sunday 27 May 2018 - 13.00hrs - 18.00hrs

Off sales: Saturday 26 May 2018 - 11.00hrs - 18:00hrs
Sunday 27 May 2018 - 13.00hrs - 18.00hrs

Children & Young Persons Access: Yes all ages – and permitted entry during above dates/times and in all parts of the proposed enclosed licensed area.

Address or Location of Premises - area on High Street, Montrose, DD10 8QZ (**Annexe A**)

Reason for Occasional Application being submitted - Montrose Music Festival

Comments on behalf of LSO for Licensing Board Consideration

Montrose Music Festival Limited are staging their annual free live music festival on Saturday 26 May and Sunday 27 May 2018. An Occasional Licence application has been received from Anne Jenkins, chairwoman and representative of, Montrose Music Festival Limited, for an external area on High Street, Montrose as per the attached plan at **Annexe A**.

The proposed area measures approximately 1200m². The area is to be enclosed by Avalon barriers that are said by the Applicant to be easily removable in the event of an emergency. The enclosed area is essentially an outdoor food and drink market complimentary to the music part of the festival.

The Board are asked to note that the area requested is part of a byelaw area in Montrose where the consumption of alcohol is prohibited unless an Occasional Licence is in operation. The Byelaw for the Montrose area is attached at **Annexe B** for ease of reference.

As noted above, the on sales hours requested are Saturday 26 May 11.00hrs to 1800hrs and Sunday 27 May 13.00hrs to 18.00hrs.

The off sales hours requested are Saturday 26 May 2018 11.00hrs to 18.00hrs and Sunday 27 May 2018 13.00hrs to 18.00hrs.

The enclosed licensed area will contain a number of food vendors and 3 alcohol vendors. Alcohol will be sold for consumption in the licensed area. Only on sale drinks purchased from the bars will be allowed to be consumed within the enclosed licensed area.

All on sale drinks will be dispensed into plastic glasses at the point of sale. Alcohol sales will be restricted to a maximum of 2 drinks (plastic containers or plastic glasses) per order, per person, at any one time. Two of the vendors/bars will also provide off sales of their products. Those off sale products will not be permitted to be opened or drunk in the licensed area. Products/goods will be sold in sealed bags and any open bags will be removed by stewards.

Children and young persons of all ages will be permitted entry to the licensed area and will be permitted access to all parts of the licensed area.

The capacity for the licensed area is 800 although the Applicant intends... "In view of the vendors set up/catering vans etc,"... to ... "cap the capacity at 600 to allow ample space for a comfortable atmosphere...".

The licensed area will be cordoned off from the rest of the High Street by 2 entrance /exit points that will be staffed at all times by 2 stewards. The 2 stewards will ensure that no alcoholic beverages are taken out with the licensed area. My understanding is that stewards are to keep a formal count of the number of persons entering and exiting the licensed area by using a clicker method.

Challenge 25/age verification will be employed. Identification will be by way of a passport or driving licence.

A copy of the Montrose Musical Festival Event Alcohol Management Plan and supplementary questionnaire are attached for ease of reference at Annexe C.

A Public Entertainment licence application has been lodged with Angus Council for this event and meetings have taken place between Angus Council's Safe Events Planning Team and the organisers.

Based on previous years, the projected attendance numbers are approximately 12,000 for the whole Festival event.

Reason for Comments

I would ask the Board to consider this Occasional Licence Application for the following reasons:-

1. The area requested for alcohol sales and consumption is in a byelaw zone where the consumption of alcohol is prohibited in public places. These byelaws support the licensing objectives of protecting children and young persons from harm, preventing public nuisance and securing public safety.
2. The application is to permit alcohol sales and consumption over an area approximately 1200m² in the High Street of Montrose and for drinkers to circulate freely within that licensed area where children and young persons, of all ages, will be allowed entry to, and have access to, all parts of the licensed area.
3. I would respectfully suggest, having full regard to the licensing objectives of protecting children and young persons from harm, preventing public nuisance and securing public safety, that the Board consider whether it is necessary to restrict alcohol sales and consumption; one example could be, to a reduced designated area within the vicinity of the 3 bars and for this area to be for over 18's only.
4. If the Board are minded to grant this Occasional Licence Application (with mandatory and local conditions attached) then I would respectfully request that adherence to the Montrose Music Festival Alcohol Management Plan High Street Event is made an additional condition of the licence.
5. In addition to point 4 above, I respectfully suggest additional proposed conditions to be placed on the licence:

Stewarding to be provided to the satisfaction of Police Scotland.

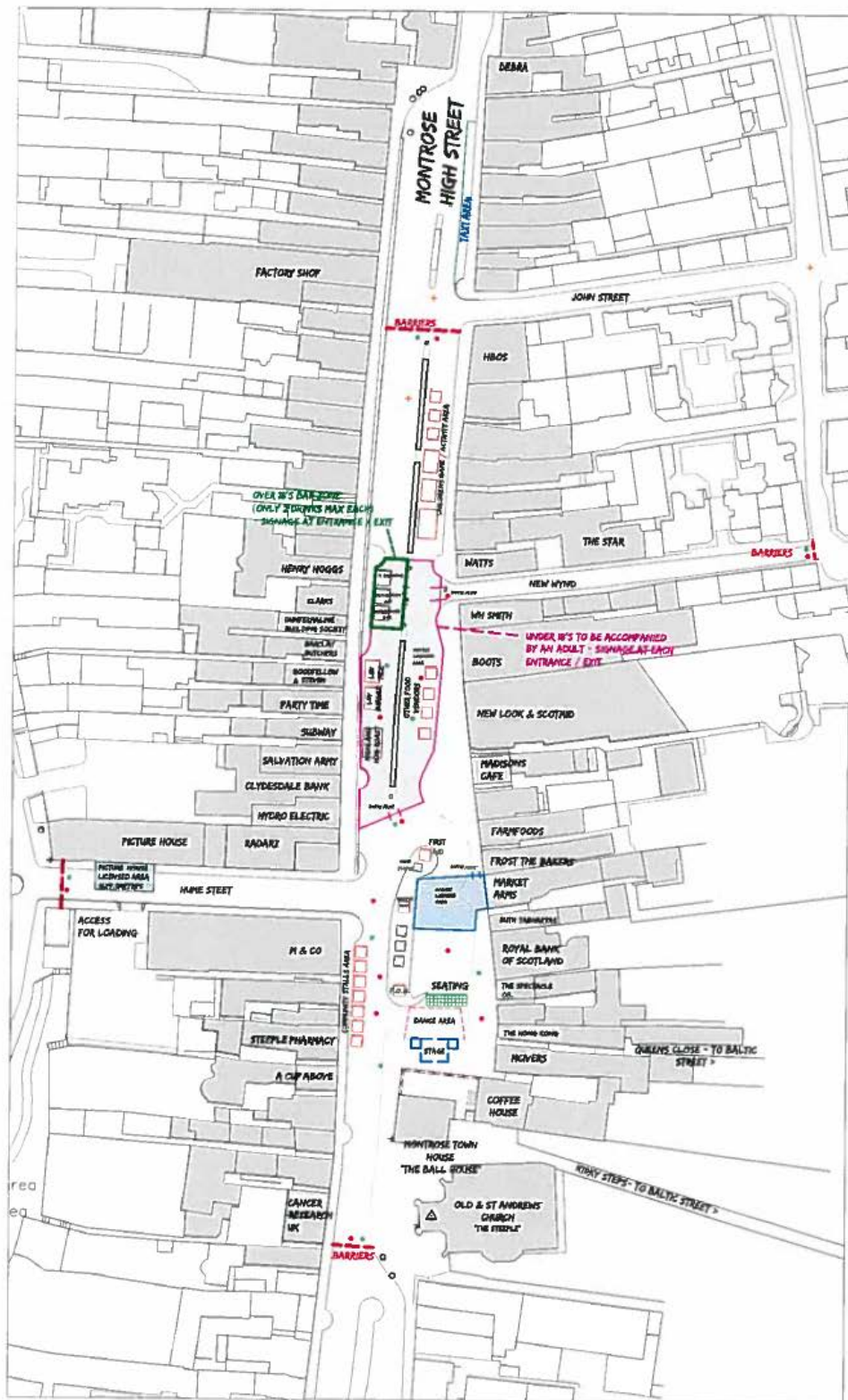
Emergency vehicle access to be maintained to the satisfaction of Scottish Fire and Rescue Service.

Enclosed licensed area capacity of 600 people never to be exceeded.

Tina Magson, Solicitor

HIGH STREET EVENT 2018 - 1:1000 @ A3

- Legend
- SIA Security
 - Steward



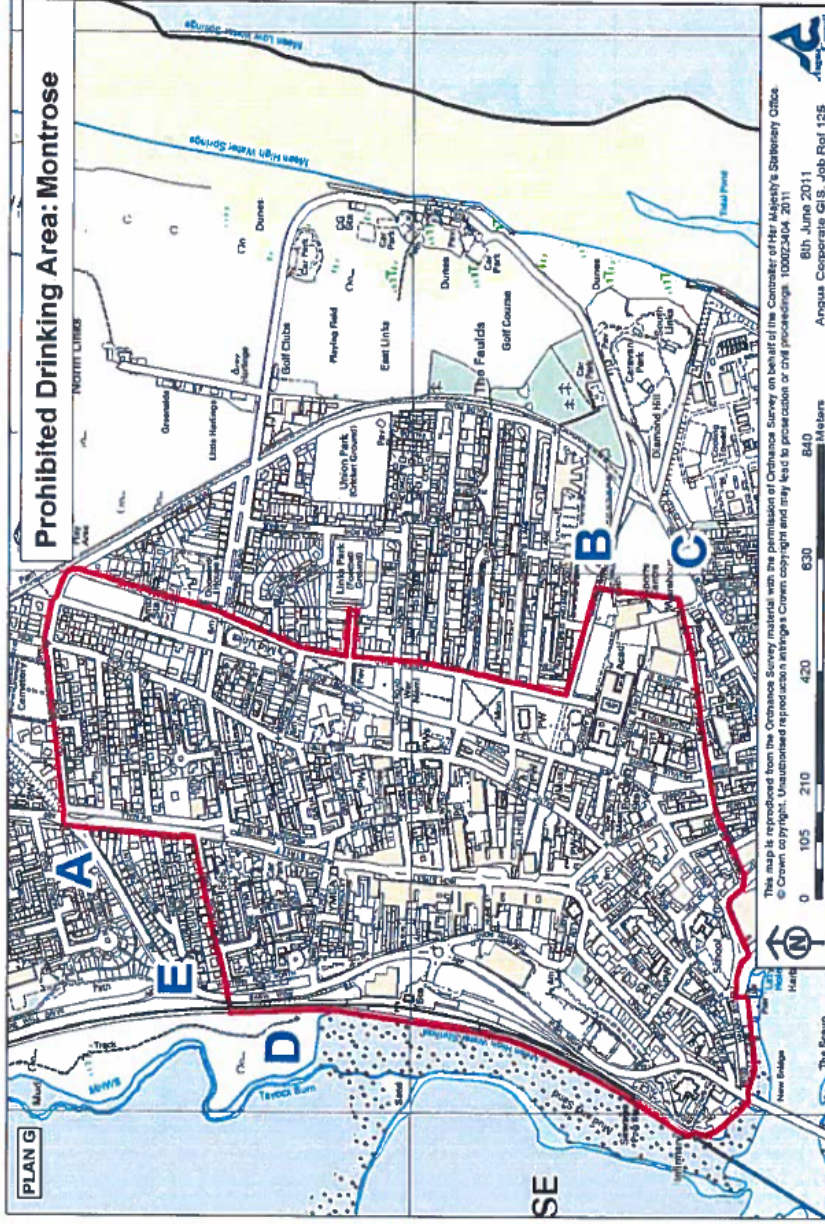
DESIGNATED AREA - MONTROSE

ALL and WHOLE that area known as Montrose Town Centre delineated in red on Plan G annexed as relative hereto and being the area bounded as follows:-

- (a) Commencing at the north west corner of the junction of Northesk Road and Rosehill Road at a point marked "A" on the said plan and proceeding in an easterly direction along the north edge of the northmost pavement of Rosehill Road to its junction with Warrack Terrace; then
- (b) in a southerly direction along the east edge of the eastmost pavements of Warrack Terrace, then Eastern Road, then Wellington Gardens, then Wellington Place respectively to the junction with Wellington Street; then
- (c) in an easterly, then southerly, then westerly direction following the north, east and south edges of the northmost, eastmost and southmost pavements of the said Wellington Street to its junction with Union Place; then
- (d) in a southerly direction along the east edge of the eastmost pavement of Union Place, then St Peter's Place, then Eastern Road to its junction with Marine Avenue; then
- (e) in an easterly direction along the north edge of the northmost pavement of Marine Avenue, then in a southerly direction following an undefined line forming the eastern boundary of the Montrose Sports Centre leading from a point marked "B" on the said plan to a point marked "C" on the said plan; then
- (f) generally in a westerly direction initially along an undefined line from the point marked "C" on the said plan to the south eastmost point of the junction of Railway Place and Alfred Street, then continuing along the south edge of the southmost pavements of Railway Place, then Erskine Place, then Commerce Street; then
- (g) in a north westerly direction along the south west edge of River Street, then generally in a westerly direction along the south edge of Wharf Street to West Quay; then
- (h) in a southerly direction along an undefined line until it meets the high water mark of the River South Esk at Montrose Pier, then continuing in a westerly direction following the high water mark of the River South Esk leading to the Montrose Basin; then
- (i) in a northerly direction initially generally following the high water mark of the said Montrose Basin, then continuing along the westmost edge of the railway line to a point marked "D" on the said plan and thereafter following an undefined line from the said point marked "D" on the said plan to a point marked "E" on the said plan at the south west corner of the property at 34 Blackfriars Street and thereafter following the north edge of Blackfriars Street in an easterly direction to its junction with North Esk Road; then
- (j) in a northerly direction following the western edge of the said Northesk Road until it reaches the said point marked "A" on the said Plan.

Sean C. Hunt

**THE ANGUS COUNCIL PROHIBITION OF CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES
(ARBROATH, BRECHIN, CARNOUSTIE, FORFAR, KIRRIEMUIR, MONIFIETH AND MONTROSE) BYELAWS 2011**



Sharon Hunter

This is the plan G referred to in the foregoing byelaws and Subscribed by the Proper Officer

**Montrose Music Festival
Alcohol Management Plan
High Street Event**



Aim

The aim of this plan is to assist in ensuring compliance with the Licensing (Scotland) Act 2005 and in particular the 5 licensing objectives;

- Preventing crime and disorder
- Preventing public nuisance
- Securing public safety
- Protecting and improving public health
- Protecting children from harm

Management Statement

The festival is now in its 11th year and is one of the largest events in the local calendar.

The High Street is a key aspect of the overall event and has a family friendly atmosphere. We hugely promote a relaxed and inclusive environment, there are activities for children, it plays host to our main stage and sees a varied programme of entertainment over the course of the weekend.

In 2014 as part of Event Scotland's Year of Food & Drink initiative we introduced a dedicated 'Market Street' area that featured a variety of artisan food and alcohol vendors. Following the success of this, the format was replicated in subsequent years and we are again seeking to have this element at our 2018 event.

We have a strong commitment to support local businesses and seek to work with enterprising and reputable brands.

Event Profile

Based on previous years the projected attendance numbers are approximately 12,000 for the overall event. This figure includes our Friday evening Town Hall event, the High street event and the satellite events in each of the 24 venues. The High Street is envisaged to have approximately 1500 – 2000 people present at any one time.

The festival aims to be inclusive and as such attracts all types of visitors from children and young people, families, small groups, the elderly and people with disabilities or additional needs.

Guidance

Due regard has been given to the guidance laid out in The Purple Guide in preparing this and our overall Event Management Plan.

For an open air event the guide suggests a space requirement of 1.5m² per for 2 people. The size of the licensed area is 1200m² which would define a capacity limit of 800. In view of the vendors set up/catering vans etc, it is our intention to cap the capacity at 600 to allow ample space for a comfortable atmosphere. In previous years this area has been monitored visually without issue however our stewards will keep a formal count of the numbers entering/exiting the area using counters.

Street Chaplains

ROCK Street Chaplains have worked on the streets of Dundee since 2000. They are now an integral part of Dundee's nightlife and connect with those out and working in the city's night-time economy.

They aim to contribute to the safety and well-being of people out at night by offering care and compassion as well as practical support such as flip-flops, first aid, water and assisting people find taxis and ways home.

The Street Chaplains have been part of the festival since 2014 having become an integral part of our team and they will again be out throughout this year's event.

High Street Event – 26 & 27 May

Within the High Street we propose to have a licensed area consisting of a number of food vendors and three vendors selling alcohol - a local brewery serving craft beer, an artisan gin producer, and a converted horse box serving prosecco.

The licensed area will be cordoned off from the rest of the High Street with 2 entrance/exit points that will each be staffed at all times by 2 stewards. These stewards will ensure no alcoholic beverages are taken out with the licensed area and that under 18s are accompanied by an adult if they wish to enter the area.

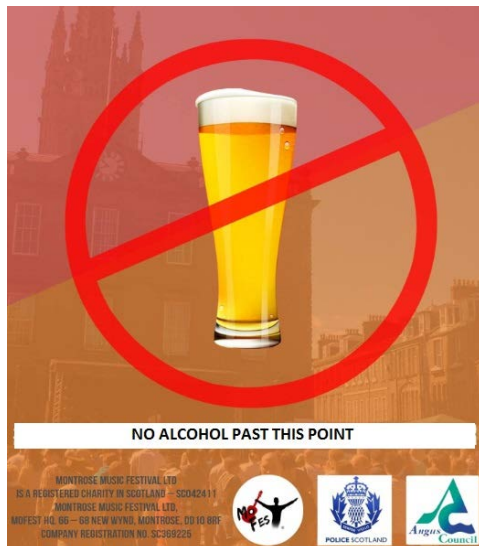
The licensed area will be defined using Avalon type barriers.



These are easily opened and lightweight enough to be moved in the event of an emergency.

At both entrance points to the licensed area signage will be displayed advising children under 18 must be accompanied by an adult and that no alcohol is permitted to be brought into the licensed area.

At both exit points to the licensed area signage will be displayed advising that alcohol cannot be taken outside the licensed area.



Off sale products will be permitted to be taken outside the licensed area in sealed bags.

Within the licensed area each of the alcohol vendors will have a small bar where alcohol is to be sold for consumption on the premises. The three bars will be located next to each other, access to which will be via a single barriered entry point, monitored by stewards. Under 18s will not be permitted into this bar area.

At the entrance point to the bar area signage will display stating under 18s area not permitted and that a maximum of 2 drinks can be purchased per person.



All drinks will be dispensed into plastic glasses. Only drinks purchased from these 3 bars will be allowed to be consumed within the licensed area.

Two of the vendors (71Brewing and Edinburgh Gin) will also do off sales of their products. These will not be permitted to be opened or drunk in the licensed area. Goods will be sold in sealed bags; any open bags will be removed by stewards.

Children and young people that are accompanied by an adult will be permitted into the licensed area in view of this being ancillary to food vendors.

While the majority of the attendees at our High Street event are families, there may be some teenage children that are not accompanied by their parents. We would not want to exclude these young people from the same access to food vendors. In this situation stewards will advise them they need to be accompanied by an adult, if they do not have an adult they can contact a steward will contact the Montrose Music Festival Team who will ask that the Street Chaplain Team accompany them into the area to purchase food and then escort them out of the licensed area.

The High Street event will operate from 10am – 6pm Saturday, and 1pm – 6pm Sunday. The licensed area will operate from 11am – 6pm and while food vendors may remain open after the High Street event has closed for the day, alcoholic sales will cease at 6pm on both Saturday and Sunday.

The remainder of the High Street will be open to the general public.

Soft drinks are widely available from shops within the High Street and a supply of free water will be available.

There will be an additional 8 stewards patrolling the rest of the High Street area, as well as further 8 at each of the 4 road closures barriers.

Alcohol Vendors

71 Brewing -



Edinburgh Gin -



The Horseshoe Bar -



Responsibility

As the event organiser, Montrose Music Festival has general duties under the Health & Safety at Work etc. Act 1974 and has overall responsibility for ensuring the safety of all visitors. Montrose Music Festival will be responsible for the stewarding of the licensed area and the overall event, details of which are contained within our Event Management Plan.

Both the alcohol vendors and 3 members of the Montrose Music Festival committee are personal license holders for the event and there will be no less than 2 personal license holders in the licensed area at all times.

Montrose Music Festival and the personal license holders, along with our security provider (Specific Security Ltd) will adhere to the following guidelines:

1. The licence holders will comply with the mandatory conditions applicable to all occasional licences and any local conditions expected by the Licensing Board.
2. Security staff will only allow access to patrons thought suitable to enter, carry out random bag searches, carry out ID checks, and we will have a strict zero tolerance policy regarding violence and controlled substances. We will monitor and control behaviour in and around the licensed area, and undertake proactive engagement with patrons to diffuse situations before they occur.
3. Security staff will be stationed at each entrance to the licensed area, at each of the bar areas and there will be additional floating stewards within the licensed area.
4. All staff working at the event will be fully aware of emergency and evacuation procedures in line with our overall Event Management Plan.
5. Restricting the consumption of alcohol to one area will allow us to closely monitor the situation.
6. Security staff will be in place to monitor and control behaviour as well as prevent crime and disorder by creating a safe and secure environment. Detecting underage drinking will be of the utmost importance. Our stewards have UV lights that detect fraudulent ID cards and these will be made available to both the vendors.
7. A personal licence holder will supervise all bar sales.
8. As part of the application process we have for vendors we ask them to provide us with a copy of their personal license, ID for each of their staff working at the event and ask for information on the training given to staff around sale/serving of alcohol.
9. The sale and consumption of alcohol will be limited to the areas approved by the Licensing Board.
10. SIA licensed stewards only will be used to control access to and from the licensed area.
11. Persons who are thought to be intoxicated will not be permitted to enter the licensed area or served alcohol. This test of intoxication is solely at the discretion of security staff and Montrose Music Festival and we will actively refuse entry to persons thought to be intoxicated.

12. The occasional licence holder and sufficient responsible persons are to be present throughout the event to ensure compliance with the Licensing (Scotland) Act 2005.
13. All alcohol to be decanted into plastic containers at the point of sale.
14. Only plastic (PET) bottles to be offered for sale.
15. Challenge 25/age verification will be employed. Identification will be by way of a passport or driving licence.
16. Challenge 25 signage will be displayed at both bar areas.
17. Alcohol sales to be restricted to a maximum of 2 drinks (plastic containers or plastic glasses) per order per person at any one time. Signage to this effect will be displayed at both bars.
18. Staff to be briefed and alert to the potential for anyone buying alcoholic drinks for children or young people and refuse service or confiscate alcohol if there is any suspicion of this.
19. No alcohol will be permitted to be brought into the licensed area, unopened or otherwise.
20. Members of the public are forbidden access behind the event bars at all times.
21. The Licence Holder will ensure that sufficient staff are on duty throughout the event to operate the bar and to supervise licenced areas.

Occasional License Holder Duties

The Occasional License for the licensed area is held by Montrose Music Festival. Montrose Music Festival is responsible for the overall management of the licensed area, contained within which there will be a number of individual vendors selling alcohol, and has a duty to ensure the 5 licensing objectives are met.

Personal License Holder Duties

A personal license holder is responsible for managing alcohol at the point of sale from their individual business in line with all relevant legislation and the above guidelines.

National Mandatory Licence Conditions

As the Occasional License holder, Montrose Music Festival will ensure it complies with the following national mandatory license conditions in accordance with the Licensing (Scotland) Act 2005, Section 60(1) and Schedule 4.

Interpretation

1. In this schedule, "the premises" means, in relation to any occasional licence, the premises specified in the licence.

Compliance with licence

2. (1) Alcohol may be sold on the premises only in accordance with the terms of 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 may be carried on only in accordance with the description of the activity contained in the licence.

Authorisation of sales of alcohol

4. (1) The condition specified in sub-paragraph (2) applies only to an occasional licence issued to the holder of a premises licence or personal licence.
(2) Every sale of alcohol made on the premises to which the licence relates must be authorised (whether generally or specifically) by the holder of a personal licence.

Voluntary Organisations

5. (1) The condition specified in sub-paragraph (2) applies only to an occasional licence issued to a representative of a voluntary organisation.
(2) Alcohol may be sold on the premises only at an event taking place on the premises in connection with the voluntary organisation's activities.
- 5B. (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.
(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.

Pricing of alcohol

6. 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
- 6A. 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 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.

Irresponsible drinks promotions

7. (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.
- (3)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.
- (4) 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

8. (1) The conditions specified in this paragraph apply only to the extent that the occasional 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

9. (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.

Additional Licence Conditions (imposed by Licensing Board)

Angus Licensing Board Local Conditions

A. General

The occasional licence holder must operate within the boundaries of the premises as they are described in the occasional licence and in accordance with the terms of the occasional licence.

B. Display of Notice

The occasional licence holder shall display at all times during the operation of the licence the statutory notice (under-age purchase etc. offences) at each place on the premises where sales of alcohol are made and in a position where it is readily visible to any person seeking to buy alcohol.

C. Access to Licensed Premises (On Sales) by Children and Young Persons

Children under the age of 16 and young persons aged 16 or 17 will only be permitted to access and remain within the part/s of the premises identified in the occasional licence as part/s to which children or young persons are permitted entry. In addition one of 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 the licensed premises where the primary purpose of allowing them access is to consume a meal (except where paragraph (iii) below applies). Children and young persons will only be permitted in the 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 where food is sold ancillary to alcohol.

(ii) WHERE ALCOHOL IS SOLD ANCILLARY TO FOOD

Children and young persons will only be permitted into the licensed premises where the primary purpose of allowing them access is to consume a meal, (except where paragraph (iii) below applies). Children and young persons will be permitted in the premises until one hour after the cessation of serving food to the individual person or group of persons consuming the meal where alcohol is sold ancillary to food.

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

Children and young persons will only be permitted into the 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 the licensed premises and young persons aged 16 or 17 will only be permitted in the licensed premises until 9.00pm where no food is sold (except where paragraph (iii) above applies).

- (b) Children and young persons are not permitted to be present at or in the immediate vicinity of any bar or bar counter.
 - (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 category A, B or C gaming machines and gaming, unless the gaming is equal chance prize gaming which children and young persons are permitted to participate in under the Gambling Act 2005.
 - (e) Gaming, category C and greater gaming machines and cigarette vending machines should not be located in walkway areas, must be sited in a location where their use can be monitored by staff (including volunteer staff) and no children and 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 games must be of a type suitable for family and children's viewing.
 - (g) Male and female toilets must be readily accessible from the area/s where children are allowed and remain open at all times when children are in the premises.
 - (h) Where children and young persons are permitted access for the primary purpose of consuming a meal 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 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, 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 or otherwise protected.
 - (k) Occasional licence holders must ensure that stringent measures are in place to ensure that neither children nor young people 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 Licensing (Scotland) Act 2005).
 - (l) Occasional licence holders must ensure that stringent measures are taken to prevent the operation of the occasional licence resulting in children and young persons being exposed to strong language, violence or disorder.
- D. Premises operating as a restaurant under an occasional licence, unless the Board allows otherwise, will only be able to authorise the sale or supply of

alcohol to persons taking table meals for consumption as an ancillary to the meal and no bar counter service should be available.

E Marquees

- (i) Where the premises operating under an occasional licence include a marquee, any area adjacent to the marquee where patrons are permitted to consume drinks outside, must be clearly defined by a suitable fencing.
- (ii) Except in the case of weddings, plastic glasses must be used instead of glass ones, and drinks will be poured from beer bottles etc. into plastic glasses.

Signed Date

Name Designation

OCCASIONAL LICENCE APPLICATION

SUPPLEMENTARY QUESTIONNAIRE

Have you submitted this application for an occasional licence to allow non-members access to a members only club?

NO .

What is the capacity of the premises?

800 within the licensed area, however we will cap it at 600 to allow ample space .

How many are you expecting will attend your event? (NB for larger events, an alcohol management plan may be required.)

up to 600 .

Is the event ticketed?

No

Will there be food available at the event?

Yes .

Will there be entertainment provided?

Yes

What time will the entertainment cease?

1800 on both Sat 26th May + Sun 27th May 2018 .

What steps will you take to minimise any noise disturbance?

Sound levels from the stage will be kept within guidelines . When the event ends at 1800 stewards will encourage people to disperse

<p>How many SIA qualified stewards will be on duty and where will they be located?</p> <p>5 - located at each of the entry/exit, at the entrance to the bar area and floating within the licensed area.</p>
<p>How many additional event staff will be on duty and where will they be located?</p> <p>There will be an additional 5 stewards within the licensed area. In the wider High Street there will be further 8 SIA + 8 stewards.</p>
<p>How many bar staff will be on duty?</p> <p>6 - 2 at each of the 3 bars.</p>
<p>How many bar staff will hold a Personal Licence?</p> <p>Minimum of 1 at each of the 3 bars, plus 7 members of the Montrose Music Festival</p>
<p>If they do not hold a Personal Licence, what training/experience does your bar staff have?</p> <p>The bars are not being run by Montrose Music Festival, however we have advised vendors of their responsibilities in relation to sales of alcohol in line with their personal license responsibilities.</p>
<p>Will you be decanting drinks into plastic containers at the point of sale? (NB this is a local condition for all events within a marquee)</p> <p>Yes.</p>
<p>Does your application include an outdoor area? If yes, a layout plan will be required.</p> <p>Yes. Attached.</p>
<p>How will your outdoor area be defined (fencing, roped area etc)?</p> <p>Avalon type barriers.</p>

(b) ENCLOSED OUTDOOR AREA, THE PICTURE HOUSE, 12 HUME STREET, MONTROSE

An application has been received from Greene King Retailing Limited requesting an Occasional Licence on Saturday 26 May and Sunday 27 May 2018 in respect of an enclosed outside area at The Picture House, 12 Hume Street, Montrose for the Montrose Music Festival.

The hours requested when alcohol will be sold for consumption **on** the premises are between 11.00 and 20.00 hours or from 11.00 until 1.5 hours after the outdoor MoFest entertainment is due to cease, whichever is the later.

To assist the Board in determining this application a report has been submitted by the Licensing Standards Officer.

Occasional Licence Application 4251**Report on behalf of the Licensing Standards Officer****Applicant Details**

Applicant:	Greene King Retailing Limited
Applying as:	Premises Licence Holder 340
Area to be licensed:	See location map (Appendix A – outside area outlined in blue 5m by 17m.)
Date(s) required:	Saturday 26 and Sunday 27 May 2018
Capacity:	120
Times required:	<i>“From 11am to 8pm, or 1.5 hours after the outdoor Mofest entertainment is due to cease, whichever is the later”</i>
On/off-sales:	On-sales
Children and Young People:	No, unless passing through the area to access/egress the Picture House
Reason for application	Outdoor area to coincide with Montrose Music Festival

LSO Comments

An application has been received from Greene King Retailing Limited for an Occasional Licence for an external area outside the Picture House on Hume Street, Montrose for Saturday 26 May and Sunday 27 May 2018. The street requested is part of a byelaw area where the consumption of alcohol is prohibited unless a premises licence or occasional licence is in operation.

The applicant confirms within the application and supplementary papers that the outdoor area is to allow customers to eat, drink and smoke. All items of food and drink are to be purchased from the premises. Tables and chairs are to be provided. Standing will be permitted. Two SIA stewards will patrol the outside area. No children are to be permitted in the area unless accessing/egressing the main premises. Barriers will delineate the licensed area and there will be two kerbside ramps in place for the duration for pram/wheelchair access. The applicant is content for the condition *“access for emergency vehicles to be maintained to the satisfaction of the emergency services”* to be an additional condition of the licence.

The applicant has submitted an Alcohol Management Plan and has completed a supplementary questionnaire. The Alcohol Management Plan is attached as **Appendix B**.

The supplementary questionnaire is attached as **Appendix C**.

Within the documents, the applicant confirms, amongst other things, that:

1. The occasional licence holder and sufficient persons are to be present throughout the event to ensure compliance with the Licensing (Scotland) Act 2005;
2. The licensed area will be clearly defined by suitable fencing and signage displayed to inform persons not to take alcohol outwith this area;
3. Two SIA qualified stewards will be on duty in the outside area;
4. All alcohol to be decanted in to plastic containers at the point of sale;
5. Challenge 25/age verification will be employed and Challenge 25 signage will be displayed.

In 2016, Occasional Licence 3097 was granted to the applicant for the MoFest event. The application was granted under delegated powers subject to mandatory, local and the following additional conditions:

1. Emergency Vehicle access to be maintained to the satisfaction of emergency services;
2. Safe pedestrian passage to be maintained; kerbside ramps to be provided to facilitate prams and wheelchairs;
3. Main carriageway to be free from trip hazards.

In 2017, Occasional Licence 3640 was granted to the applicant for the MoFest event. The application was granted under delegated powers subject to mandatory, local and the following additional conditions:

1. A stewarding plan is to be forwarded to Police Scotland by 1 May 2017, and subsequently approved by them prior to the event taking place.
2. All drinks to be decanted into plastic containers at the point of sale;
3. No alcohol in an open container to be removed from premises;
4. Emergency vehicle access to be maintained to the satisfaction of emergency services.
5. Safe pedestrian passage to be maintained; kerbside ramps to be provided to facilitate prams and wheelchairs.

Reason for Comments - I would ask the Board to consider this Occasional Licence application for the following reasons:-

1. The area requested for alcohol consumption is in a byelaw zone where the consumption of alcohol is prohibited in public places. These byelaws support the licensing objectives of protecting children and young persons from harm, preventing public nuisance and securing public safety (See **Appendix D**).
2. If the Board are minded to grant this Occasional Licence application (with mandatory and local conditions attached) then I would respectfully request that adherence to the Alcohol Management Plan is made an additional condition of the licence.
3. In addition to point 2 above, I respectfully suggest additional proposed conditions be placed on the licence:

Stewarding to be provided to the satisfaction of Police Scotland.

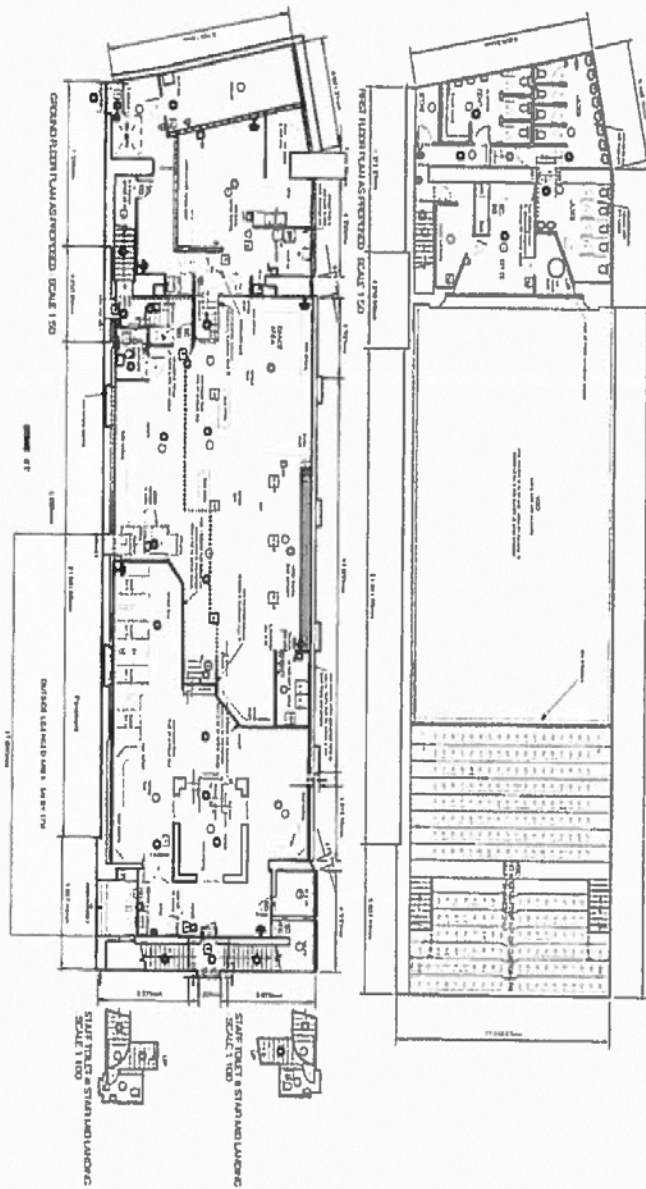
Emergency vehicle access to be maintained to the satisfaction of emergency services.

Safe pedestrian passage to be maintained; kerbside ramps to be provided to facilitate prams and wheelchairs.

Enclosed licensed area capacity of 120 people never to be exceeded.

Tina Magson, Solicitor

APPENDIX A



NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITTING	10/11/05
2	ISSUED FOR PERMITTING	10/11/05
3	ISSUED FOR PERMITTING	10/11/05
4	ISSUED FOR PERMITTING	10/11/05
5	ISSUED FOR PERMITTING	10/11/05
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20	ISSUED FOR PERMITTING	10/11/05



Burns Injection Design

1.0 INTRODUCTION

1.1 PROJECT DESCRIPTION

1.2 PROJECT LOCATION

1.3 PROJECT SCOPE

1.4 PROJECT OBJECTIVES

1.5 PROJECT CONSTRAINTS

1.6 PROJECT RISKS

1.7 PROJECT DELIVERABLES

1.8 PROJECT TIMELINE

1.9 PROJECT BUDGET

1.10 PROJECT TEAM

1.11 PROJECT CONTACTS

1.12 PROJECT APPROVALS

1.13 PROJECT SIGNATURES

1.14 PROJECT DATE

1.15 PROJECT VERSION

1.16 PROJECT STATUS

1.17 PROJECT COMMENTS

1.18 PROJECT NOTES

1.19 PROJECT REFERENCES

1.20 PROJECT GLOSSARY

1.21 PROJECT ABBREVIATIONS

1.22 PROJECT SYMBOLS

1.23 PROJECT LEGEND

1.24 PROJECT INDEX

1.25 PROJECT APPENDICES

1.26 PROJECT DRAWINGS

1.27 PROJECT SPECIFICATIONS

1.28 PROJECT CONTRACTS

1.29 PROJECT AGREEMENTS

1.30 PROJECT LEGALS

1.31 PROJECT DISCLAIMERS

1.32 PROJECT WARRANTIES

1.33 PROJECT LIMITATIONS

1.34 PROJECT EXCLUSIONS

1.35 PROJECT RESERVATIONS

1.36 PROJECT RELEASES

1.37 PROJECT INDEMNITIES

1.38 PROJECT ASSIGNMENTS

1.39 PROJECT TRANSFERS

1.40 PROJECT SUCCESSIONS

1.41 PROJECT TERMINATIONS

1.42 PROJECT RESOLUTIONS

1.43 PROJECT MEDIATIONS

1.44 PROJECT ARBITRATIONS

1.45 PROJECT LITIGATIONS

1.46 PROJECT SETTLEMENTS

1.47 PROJECT VERDICTS

1.48 PROJECT JUDGMENTS

1.49 PROJECT APPEALS

1.50 PROJECT REVISIONS

1.51 PROJECT CORRECTIONS

1.52 PROJECT IMPROVEMENTS

1.53 PROJECT OPTIMIZATIONS

1.54 PROJECT ENHANCEMENTS

1.55 PROJECT ADDITIONS

1.56 PROJECT DELETIONS

1.57 PROJECT MODIFICATIONS

1.58 PROJECT ADJUSTMENTS

1.59 PROJECT TWEAKS

1.60 PROJECT TOUCH-UPS

1.61 PROJECT FINISHES

1.62 PROJECT POLISHES

1.63 PROJECT TOUCHES

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APPENDIX B

Model Alcohol Management Plan.

Please find below a possible alcohol management plan for your event that you may wish to use, you can change the first part as required to suit your individual needs, but cannot change any of the mandatory or local conditions at Annex A. If you are happy to use this and I am happy with any amendments, I would then make this plan a condition of your licence.

Aim

*The aim of this alcohol management plan is to assist in complying with the Licensing (Scotland) Act 2005 and the 5 licensing objectives: Preventing crime and disorder, Preventing public nuisance, Securing public safety, Protecting and improving public health and Protecting children from harm, by ensuring that alcohol is sold safely and responsibly during the period of **The Picture House – Outdoor Area – MOFEST 25-27 May 2018***

1. The licence holder will comply with the mandatory conditions applicable to all occasional licences and any local conditions expected by the Licensing Board. (See Annex A) OK
2. No under 18's to be allowed in the main bar area. Signage to be displayed OK
3. ~~No persons under the age of 16 will be allowed entry into premises/venue/licensed area~~
4. ~~Persons under 18 only allowed into premise/venue/licensed area when accompanied by a responsible adult.~~
5. A personal licence holder will supervise all bar sales. (NB. Cubs & Voluntary Organisation do not require a personal licence holder, but this may be requested depending on the type and size of event) OK
6. No-one will sell or serve alcohol without first receiving the relevant training. (NB. Not a requirement for an occasional licence but good practice) OK
7. The occasional licence holder and sufficient responsible persons are to be present throughout the event to ensure compliance with the Licensing (Scotland) Act 2005 OK
8. The sale and consumption of alcohol to be limited to the areas approved by the Licensing Board. (NB. If an outdoor event is planned please submit a site layout plan. OK
9. The licenced area will be clearly defined by suitable fencing and signage displayed to inform persons not to take alcohol outwith this area (NB. Important if an outdoor event is planned). OK
10. ~~A separate area for soft drinks will be provided~~
11. SIA badged staff to be used to control access to and from licensed area OK
12. ~~A wrist bands system will be used to identify under 18s and over 18s~~
13. Persons who are drunk will not be allowed into licensed area/venue. OK
14. ~~A family's area will be designated within the licenced area (NB. May not be applicable to your event).~~

15. All alcohol to be decanted in to plastic containers at the point of sale. OK
- ~~16. Only plastic (PET) bottles to be offered for sale~~
17. Challenge 25/age verification will be employed. Identification will be by way of a passport, driving licence, Military ID card, biometric ID Card and Pass card (please delete any which you do not wish to accept). OK
18. Challenge 25 signage will be displayed OK
- ~~19. Alcohol sales to be restricted to a maximum of 2/3/4 drinks (plastic containers or bottles) per order per person at any one time. (Insert correct number of drinks) Signage to be display at bar.~~
20. Bar staff will refuse service of alcohol to drunken persons. OK
21. Staff to be briefed and alert to the potential for agency buying (person over 18 buying for persons under 18) and refuse service or confiscate alcohol if they think this is happening OK
22. No alcohol to be brought into event area. OK
23. Members of the public are forbidden access behind the event bars at all times. OK
24. The occasional licence holder will ensure that sufficient staff are on duty throughout the event to operate the bar and to supervise licenced areas. OK

Suggested occasional licence holder duties:

Responsible For: Operating a bar, ensuring that the Licensing Objectives are complied with:

- Prevention of crime disorder
- Prevention of public nuisance
- Securing Public Safety
- Protecting and Improving Public Health
- Protection of children from harm OK

Main Duties:

- Effective management of staff in a bar
- Minimize risk of loss of cash
- Operate the Challenge 25 scheme and ensure staff are trained briefed and managed accordingly
- Comply with the conditions of the occasional licence OK

NB: The above information is for guidance only.

ANNEX A

National mandatory licence conditions

The following are the mandatory conditions which every Occasional Licence is subject to in accordance with the Licensing (Scotland) Act 2005, Section 60(1) and Schedule 4.

Interpretation

1. In this schedule, "the premises" means, in relation to any occasional licence, the premises specified in the licence

Compliance with licence

2. (1) Alcohol may be sold on the premises only in accordance with the terms of 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 may be carried on only in accordance with the description of the activity contained in the licence.

Authorisation of sales of alcohol

4. (1) The condition specified in sub-paragraph (2) applies only to an occasional licence issued to the holder of a premises licence or personal licence.
(2) Every sale of alcohol made on the premises to which the licence relates must be authorised (whether generally or specifically) by the holder of a personal licence.

Voluntary Organisations

5. (1) The condition specified in sub-paragraph (2) applies only to an occasional licence issued to a representative of a voluntary organisation.

(2) Alcohol may be sold on the premises only at an event taking place on the premises in connection with the voluntary organisation's activities

- 5B (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.

(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.

Pricing of alcohol

6. 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

6A 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 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.

Irresponsible drinks promotions

7. (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

8. (1) The conditions specified in this paragraph apply only to the extent that the occasional 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

9. (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.

Additional licence conditions imposed by Licensing Board

Angus Licensing Board Local Conditions

A. General

The occasional licence holder must operate within the boundaries of the premises as they are described in the occasional licence and in accordance with the terms of the occasional licence.

B. Display of Notice

The occasional licence holder shall display at all times during the operation of the licence the statutory notice (under-age purchase etc. offences) at each place on the premises where sales of alcohol are made and in a position where it is readily visible to any person seeking to buy alcohol.

C. Access to Licensed Premises (On Sales) by Children and Young Persons

Children under the age of 16 and young persons aged 16 or 17 will only be permitted to access and remain within the part/s of the premises identified in the occasional licence as part/s to which children or young persons are permitted entry. In addition one of 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 the licensed premises where the primary purpose of allowing them access is to consume a meal (except where paragraph (iii) below applies). Children and young persons will only be permitted in the 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 where food is sold ancillary to alcohol.

(ii) WHERE ALCOHOL IS SOLD ANCILLARY TO FOOD

Children and young persons will only be permitted into the licensed premises where the primary purpose of allowing them access is to consume a meal, (except where paragraph (iii) below applies). Children and young persons will be permitted in the premises until one hour after the cessation of serving food to the individual person or group of persons consuming the meal where alcohol is sold ancillary to food.

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

Children and young persons will only be permitted into the 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 the licensed premises and young persons aged 16 or 17 will only be permitted in the licensed premises until 9.00pm where no food is sold (except where paragraph (iii) above applies).

(b) Children and young persons are not permitted to be present at or in the immediate vicinity of any bar or bar counter.

(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 category A, B or C gaming machines and gaming, unless the gaming is equal chance prize gaming which children and young persons are permitted to participate in under the Gambling Act 2005.

(e) Gaming, category C and greater gaming machines and cigarette vending machines should not be located in walkway areas, must be sited in a location where their use can be monitored by staff (including volunteer staff) and no children and 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 games must be of a type suitable for family and children's viewing.

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

(h) Where children and young persons are permitted access for the primary purpose of consuming a meal 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 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, 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 or otherwise protected.

(k) Occasional licence holders must ensure that stringent measures are in place to ensure that neither children nor young people 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 Licensing (Scotland) Act 2005).

(l) Occasional licence holders must ensure that stringent measures are taken to prevent the operation of the occasional licence resulting in children and young persons being exposed to strong language, violence or disorder.

D. Premises operating as a restaurant under an occasional licence, unless the Board allows otherwise, will only be able to authorise the sale or supply of alcohol to persons taking table meals for consumption as an ancillary to the meal and no bar counter service should be available.

E Marquees

i) Where the premises operating under an occasional licence include a marquee, any area adjacent to the marquee where patrons are permitted to consume drinks outside, must be clearly defined by suitable fencing.

ii) Except in the case of weddings, plastic glasses must be used instead of glass ones, and drinks will be poured from beer bottles etc. into plastic glasses.

OCCASIONAL LICENCE APPLICATION

SUPPLEMENTARY QUESTIONNAIRE

Have you submitted this application for an occasional licence to allow non-members access to a members only club? No
What is the capacity of the premises? 120 persons for outside area
How many are you expecting will attend your event? (NB for larger events, an alcohol management plan may be required.) 120 persons for outside area
Is the event ticketed? No
Will there be food available at the event? Yes, available from the Picture House
Will there be entertainment provided? Various Bands will play as entertainment for MoFest in the Picture House, not in the Occasional Licence area.
What time will the entertainment cease? The bands will play until midnight on Saturday and 11pm on Sunday
What steps will you take to minimise any noise disturbance? The outside area will cease to be used by 8pm, or 1.5 hours after the outdoor MoFest entertainment is due to cease whichever is the latest. All customers will then move back into the Picture House or disperse.
How many SIA qualified stewards will be on duty and where will they be located? Two, in the outside area

<p>How many additional event staff will be on duty and where will they be located?</p> <p>In total we will have fourteen staff employed on the day between the Picture House Premises Licence and the Occasional Licence</p>
<p>How many bar staff will be on duty?</p> <p>See above – all drinks will be purchased in the Picture House</p>
<p>How many bar staff will hold a Personal Licence?</p> <p>The Picture House has three Personal Licence holders – all will be on duty at various points during the weekend.</p>
<p>If they do not hold a Personal Licence, what training/experience does your bar staff have?</p> <p>All staff who sell or serve alcohol are obliged to complete 2 hours training as per the conditions of our Premises Licence</p>
<p>Will you be decanting drinks into plastic containers at the point of sale? (NB this is a local condition for all events within a marquee)</p> <p>Yes</p>
<p>Does your application include an outdoor area? If yes, a layout plan will be required.</p> <p>Yes – supplied with application</p>
<p>How will your outdoor area be defined (fencing, roped area etc)?</p> <p>Barriers would be erected to delineate the licensed area, and it will be monitored at all times by Management, staff and door stewards.</p>

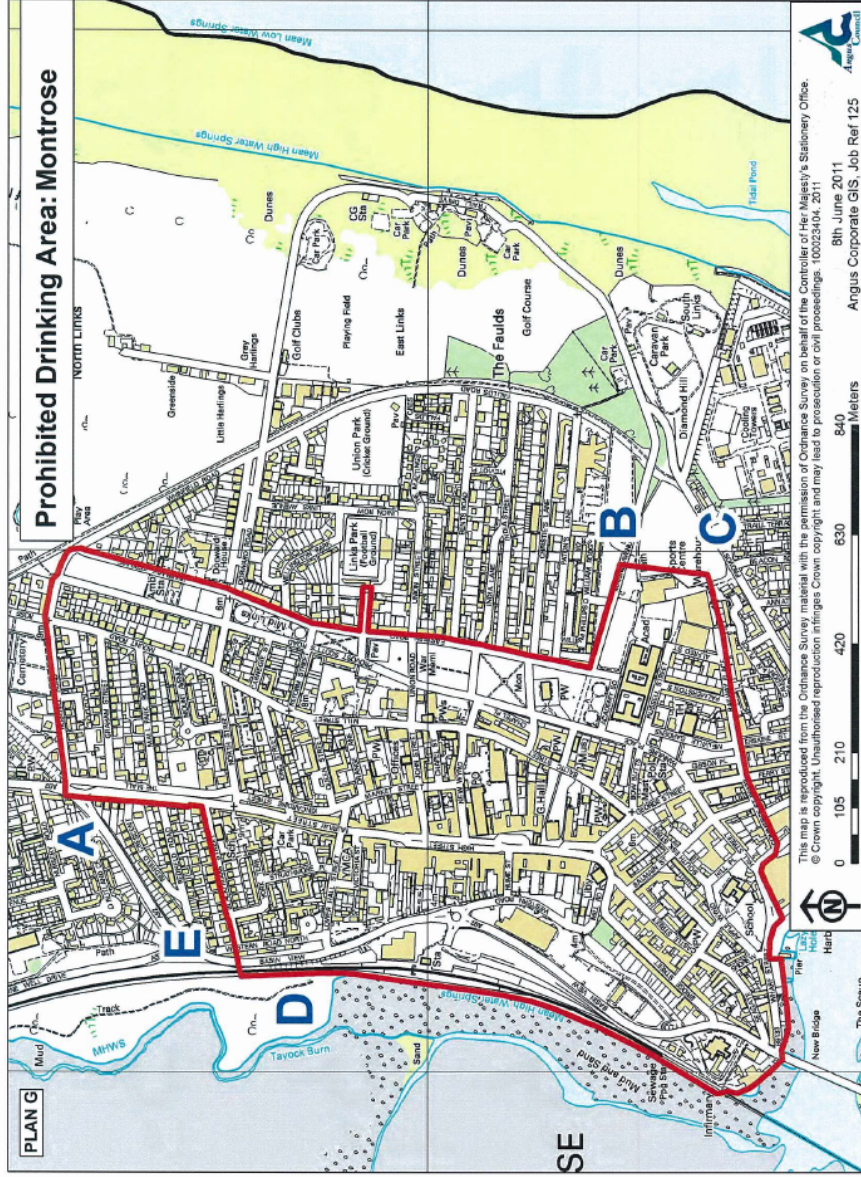
DESIGNATED AREA - MONTROSE

ALL and WHOLE that area known as Montrose Town Centre delineated in red on Plan G annexed as relative hereto and being the area bounded as follows:-

- (a) Commencing at the north west corner of the junction of Northesk Road and Rosehill Road at a point marked "A" on the said plan and proceeding in an easterly direction along the north edge of the northmost pavement of Rosehill Road to its junction with Warrack Terrace; then
- (b) in a southerly direction along the east edge of the eastmost pavements of Warrack Terrace, then Eastern Road, then Wellington Gardens, then Wellington Place respectively to the junction with Wellington Street; then
- (c) in an easterly, then southerly, then westerly direction following the north, east and south edges of the northmost, eastmost and southmost pavements of the said Wellington Street to its junction with Union Place; then
- (d) in a southerly direction along the east edge of the eastmost pavement of Union Place, then St Peter's Place, then Eastern Road to its junction with Marine Avenue; then
- (e) in an easterly direction along the north edge of the northmost pavement of Marine Avenue, then in a southerly direction following an undefined line forming the eastern boundary of the Montrose Sports Centre leading from a point marked "B" on the said plan to a point marked "C" on the said plan; then
- (f) generally in a westerly direction initially along an undefined line from the point marked "C" on the said plan to the south eastmost point of the junction of Railway Place and Alfred Street, then continuing along the south edge of the southmost pavements of Railway Place, then Erskine Place, then Commerce Street; then
- (g) in a north westerly direction along the south west edge of River Street, then generally in a westerly direction along the south edge of Wharf Street to West Quay; then
- (h) in a southerly direction along an undefined line until it meets the high water mark of the River South Esk at Montrose Pier, then continuing in a westerly direction following the high water mark of the River South Esk leading to the Montrose Basin; then
- (i) in a northerly direction initially generally following the high water mark of the said Montrose Basin, then continuing along the westmost edge of the railway line to a point marked "D" on the said plan and thereafter following an undefined line from the said point marked "D" on the said plan to a point marked "E" on the said plan at the south west corner of the property at 34 Blackfriars Street and thereafter following the north edge of Blackfriars Street in an easterly direction to its junction with North Esk Road; then
- (j) in a northerly direction following the western edge of the said Northesk Road until it reaches the said point marked "A" on the said Plan.

Sean C. Hunte

**THE ANGUS COUNCIL PROHIBITION OF CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES
(ARBROATH, BRECHIN, CARNOUSTIE, FORFAR, KIRRIEMUIR, MONIFIETH AND MONTROSE) BYELAWS 2011**



Seave Hunter

This is the plan G referred to in the foregoing byelaws and Subscribed by the Proper Officer

(c) FENCED OUTDOOR AREA, MARKET ARMS, 95 HIGH STREET, MONTROSE

An application has been received from William Dorward requesting an Occasional Licence on Saturday 26 May 2018 and Sunday 27 May 2018 in respect of an enclosed outside area at The Market Arms, 95 High Street, Montrose for the Montrose Music Festival.

The hours requested when alcohol will be sold for consumption on the premises are between 11.00 and 18.00 hours.

To assist the Board in determining this application a report has been submitted by the Licensing Standards Officer.

Occasional Licence Application 4301**Report on behalf of Licensing Standards Officer****Applicant Details**

Applicant: William Dorward, Market Arms, 95 High Street, Montrose, DD10 8QY

Applying as: Personal Licence holder AN/481. Market Arms Premises Licence AN/302.

Premises or area to be licensed: Fenced outdoor drinking area adjacent to the Market Arms, 95 High Street, Montrose, DD10 8QY. Situated in closed off part of Ballhouse Carpark (see location map – ANNEX A)

Dates required: Saturday 26 May & Sunday 27 May 2018

Times required On sales: Saturday 26 May 2018 - 11.00hrs - 1800hrs

Sunday 27 May 2018 – 11.00hrs - 18.00hrs

Children & Young Persons Access: No. Children and Young Persons not permitted into the licensed area.

Reason for Occasional Application being submitted: Montrose Music Festival

Comments on behalf of LSO for Licensing Board Consideration

An application has been received from Mr William Dorward of the Market Arms, 95 High Street, Montrose, DD10 8QY in respect of an outdoor area adjacent to the premises and situated in a closed off part of Ballhouse Carpark. A location map has been provided by the Applicant's agent, Mrs Janet Hood, Annex A.

The outdoor area will be fenced and seated. The hours sought for on sales of alcohol are 11am to 6pm on 26 and 27 May 2018 as part of the Mofest proceedings.

No children or young persons will be permitted entry in to the licensed area. The capacity of the outdoor area is 100. Entertainment and food (with the exception of crisps/wrapped snacks) will be available as part of the larger event, not specifically within the licensed area. However, food purchased from vendors can be consumed in the outdoor area.

There will be 4 SIA badged stewards on duty at the entrance of the external drinking area and the entrance to the Market Arms. Stewards and staff engaged will ensure any noise from the licensed area is dealt with appropriately. There will be 10 bar staff on duty on Saturday and 8 on Sunday. All staff have received two hours training. Challenge 25 checks will be undertaken. Patrons will be monitored with regard to their consumption of alcohol. A range of soft drinks will be available.

Reason for Comments

I would ask the Board to consider this Occasional Licence Application for the following reasons:-

1. The area requested for consumption is in a byelaw zone where the consumption of alcohol is prohibited in public places. These byelaws support the licensing objectives of protecting children and young persons from harm, preventing public nuisance and securing public safety.
2. I respectfully suggest the following as possible additional conditions to be placed on the licence:

Stewarding to be provided to the satisfaction of Police Scotland.

Enclosed licensed area capacity of 100 people never to be exceeded.


Safe pedestrian passage to be maintained between the Market Arms and the licensed area.

All drinks to be decanted into plastic containers at the point of sale.

Tina Magson, Solicitor

OCCASIONAL LICENCE SUPPLEMENTARY INFORMATION

1. Have you submitted this application for an occasional licence to allow non members access to a members only club ? - NO
2. What is the capacity of the premises? - 100
3. How many people are you expecting to attend your event - 100 - note this application is not for the event itself but for an outside drinking area to permit patrons to enjoy the part of the Mofest event taking place in the High Street, Montrose from 11 a.m. - 6p.m on Saturday 26 and Sunday 27 May 2018
4. Is the event ticketed - N/A
5. Will there be food available at the event - the Mofest itself has engaged street vendors and pop up food vendors whose offerings will be available all day - patrons of the external area will be welcome to consume food in the area. No food apart from crisps and other wrapped snacks will be made available by the applicant within the area.
6. Will there be entertainment provided - all entertainment provided will be part of Mofest
7. What time will the entertainment cease? - Mofest event continues all day and into the evening across Montrose - the application is for a fenced in alcohol consumption area adjacent to which will operate from 11 a.m. - 6 p.m. on Saturday 26 and Sunday 27 May 2018
8. What steps will you take to minimise noise disturbance - all music will be performed under the aegis of Mofest and the applicant has no ability to control music . Any undue noise caused by patrons of the external drinking area will be dealt with by stewards and staff engaged to ensure control within the external area
9. How many SIA qualified stewards will be on duty and where will they be located - 4 SIA badged stewards will be engaged - they will be on duty at the entrance to the external drinking area and the entrance to the Market Arms
10. The premises will have a full complement of staff bar staff, glass collectors etc on duty to sell, serve and clear, maintain control, manage challenge 25 and carry out required due diligence on the day.
11. How many bar staff will be on duty? 10 on Saturday and 8 on Sunday
12. If they do not hold a personal licence what training/experience do your bar staff have - All staff have undertaken the statutory 2 hours training carried out by William and Sharon Dorward. They will be briefed on their duties before sales commence on each day of the Mofest. All staff are regular employees in the Market bar and most have worked at the Mofest on previous years.
13. Does your application include an outdoor area? If yes a layout plan will be required- YES and see attached
14. How will your outdoor area be defined? FENCED
15. Layout plan - attached



AGENT

This is the 5 objective risk assessment for

OCCASIONAL LICENCE FOR OUTSIDE DRINKING AREA ADJACENT TO MARKET BAR, MONTROSE FOR MOFEST SATURDAY 26 & SUNDAY 27 MAY 2018

MARKET BAR, 95 HIGH STREET, MONTROSE
PREMISES LICENCE NUMBER - AN/302
APPLICANT WILLIAM DORWARD - PERSONAL LICENCE NUMBER AN/481

Preventing Crime and Disorder

Risk High/Medium/Low	Action	Inform/Remind/Update
Low Service of alcohol to persons under age	No access by under 18s to external drinking area SIA badged stewards and competent staff engaged to carry out challenge 25 where required	All staff and stewards will be briefed before start of service on both days of the Mofest
Low Violence	Mofest is a family friendly music event The application for the external drinking area is during the day Patrons are generally of a demographic of over 25 and there has been no issues with violence or other criminality on previous occasions the external drinking area has been used for this event SIA badged stewards and competent staff engaged to monitor behaviour and consumption of patrons	All staff and stewards will be briefed before start of service on both days of the Mofest
Low Persons under 18 accessing alcohol	No access by under 18s to external drinking area SIA badged stewards and competent staff engaged to carry out challenge 25 where required	All staff and stewards will be briefed before start of service on both days of the Mofest

Preventing Public Nuisance

Risk High/Medium/Low	Action	Inform/Remind/Update
<p>Low Noise in neighbouring properties</p>	<p>The premises comprise and external drinking area to permit patrons to sit outside in fenced enclosure to enjoy the music and other entertainments on offer during the Mofest. The premises will be used for this purpose between 11 a.m. and 6 pm.</p> <p>Mofest is a family friendly music event The application for the external drinking area is during the day Patrons are generally of a demographic of over 25 and there has been no issues with violence or other criminality on previous occasions the external drinking area has been used for this event</p> <p>SIA badged stewards and competent staff engaged to monitor behaviour and consumption of patrons</p>	<p>All staff and stewards will be briefed before start of service on both days of the Mofest</p>

Securing Public Safety

Risk High/Medium/Low	Action	Inform/Remind/Update
<p>Low Violence</p>	<p>Mofest is a family friendly music event The application for the external drinking area is during the day Patrons are generally of a demographic of over 25 and there has been no issues with violence or other criminality on previous occasions the external drinking area has been used for this event</p> <p>SIA badged stewards and competent staff engaged to monitor behaviour and consumption of patrons</p>	<p>All staff and stewards will be briefed before start of service on both days of the Mofest</p>
<p>Low Dispersal problems</p>	<p>Ample car parking in Montrose for this event which is also popular with locals who will walk to the event site and premises in walking distance of nearby train and bus station</p>	<p>n/a</p>

Protecting Children and Young Persons from Harm

Risk High/Medium/Low	Action	Inform/Remind/Update
Low Service of alcohol to persons under age	All event organisers, waiting/serving staff temporary bar staff and SIA badged stewards will be briefed in advance of each day of the event advised to ensure they are trained re challenge 25 at bars and to prevent access to the external area No children or young persons are permitted access to the fenced external drinking area	All staff and stewards will be briefed before start of service on both days of the Mofest
Low	Staff trained to monitor customers consuming alcohol and to remove alcohol from any persons who cannot satisfy challenge 25 challenge	All staff and stewards will be briefed before start of service on both days of the Mofest

Protecting and Improving Public Health

Risk High/Medium/Low	Action	Inform/Remind/Update
Low alcohol harm	Patrons monitored by staff at temporary to prevent over indulgence Good range of soft drinks and non alcoholic beverages available at the premises for which the application will provide an external consumption area Varied food offering available within easy walking distance of the external area	All staff and stewards will be briefed before start of service on both days of the Mofest



JANET HOOD TRAINING AND CONSULTING LIMITED
 Kirkton of Balfour, Edzell, Brechin, Angus
 DD9 7XU
 AGENT
 20/3/2018

**MONTROSE
HIGH STREET**

**SHADOWS
CAFE**

TARFOODS

FROST THE BANKS

**MARKET
APRS**

SUN TANNERS

**ROYAL BANK
OF SCOTLAND**



CONVULSION STREET MONTROSE

**ENTRANCE AND
TO BE POLICED
BY 1 SA SECURITY**

*EXTENDS BARRIER
ACROSS PAVEMENT*

**HIGH STREET
CARPARK**

(d) STAR HOTEL, 7 NEW WYND, MONTROSE

An application has been received from David Bray requesting an Occasional Licence on Saturday 26 May 2018 and Sunday 27 May 2018 in respect of an enclosed outside area at The Star Hotel, New Wynd, Montrose for the Montrose Music Festival.

The hours requested when alcohol will be sold for consumption **on** the premises are between 11.00 and 20.00 hours on Saturday 26 May 2018 and 11.00 to 18.00 on Sunday 27 May 2018.

To assist the Board in determining this application a report has been submitted by the Licensing Standards Officer.

Occasional Licence Application 4304**Report on behalf of Licensing Standards Officer****Applicant Details**

Applicant:	David Anthony Bray, The Star Hotel, 7 New Wynd, Montrose, DD18 8RB
Applying as:	Personal Licence holder ABS-0017. The Star Hotel Premises Licence 178.
Premises or area to be licensed:	Outdoor drinking area including a pop up bar on New Wynd (see location map – Annex A)
Dates required:	Saturday 26 May & Sunday 27 May 2018
Times required On sales:	Saturday 26 May 2018 - 11.00hrs - 2000hrs Sunday 27 May 2018 – 11.00hrs - 18.00hrs

Children & Young Persons Access: No. Children and Young Persons not permitted into the licensed area.

Reason for Occasional Application being submitted: Montrose Music Festival

Comments on behalf of LSO for Licensing Board Consideration

An application has been received from Mr David Anthony Bray, The Star Hotel, 7 New Wynd, Montrose, DD18 8RB, in respect of an outdoor area with pop up bar. A location map has been provided by the Applicant.

Having considered the map, my initial impression was that the Applicant was seeking to licence two separate areas. Having spoken with the Applicant, he confirmed that not to be the case. **To assist Members I have highlighted the area in red on the location map.** This is what I understand to be the full licensed area applied for.

The outdoor area will house tables and chairs. The hours sought for on sales of alcohol are 11am to 8pm on 26 and 11am to 6pm on 27 May 2018 as part of the MoFest proceedings.

No children or young persons will be permitted entry in to the licensed area. It will be enclosed by heras fencing. Access will be controlled by one SIA steward. Two further SIA stewards will be circulating; one upstairs in the building and one downstairs in the building. There will be two additional event staff circulating the building generally. Customers will not be able to leave the licensed area with drinks. Capacity is approximately 32. There will be no food or entertainment in the outdoor area. There will be entertainment within the Star Hotel.

Seven bar staff will be on duty; four with personal licences. The remaining three will have received the required two hours training. All drinks will be decanted into plastic containers at the point of sale.

Reason for Comments

I would ask the Board to consider this Occasional Licence Application for the following reasons:-

1. The area requested for sale and consumption of alcohol is in a byelaw zone where the consumption of alcohol is prohibited in public places. These byelaws support the licensing objectives of protecting children and young persons from harm, preventing public nuisance and securing public safety.
2. I respectfully suggest the following as possible additional conditions (additional to mandatory and local conditions) to be placed on the licence:

Stewarding to be provided to the satisfaction of Police Scotland.

Enclosed licensed area capacity of 32 people never to be exceeded.

All drinks to be decanted into plastic containers at the point of sale.

Tina Magson, Solicitor

OCCASIONAL LICENCE APPLICATIONS
AREA PLAN/SKETCH MAP for OUTDOOR EVENTS

To assist in progressing your application when an outside area and/or a temporary structure, such as a marquee/beer tent/mobile bar is to be licensed, please provide an outline plan/sketch of the location where the occasional licence is to have effect. Details to include measurements: (length x breath) of this proposed area and how this area will be clearly defined, for example by use of suitable fencing.

Your outline plan:

① Proposed outside Drinking Area .

② A Secondary proposal would be permission for a Small pop up bar underneath our canopy, at the back to reduce the pressure on the internal bars. This would be the same as the inside bars in terms of the fact that all drinks would be dispensed into plastic cups and not be allowed off the premises and the control area by the SIA Door Stewards

Applicants may prefer to use a map of a suitable scale showing the area requested.