

## Appendix 1

### Representations and Objection to Licence Application 167.

I refer to the **document entitled Schedule 1** – Angus Licensing Board (undated and unsigned) from Applicant/Agent Muir Myles Laverty for Piperdam Golf & Leisure Resort which details the off sales licensing hours.

#### 1. Off Sales

**The applicant wishes to** extend its premise licence to include the sale of off premise alcohol from its general convenience store/shop area and the reception area/desk in the main building at Piperdam Leisure Resort and **sell alcohol for consumption off premise between 9am and 1am Monday to Friday, and 12:30 to 1am on Sundays.**

I refer to the Licensing (Scotland) Act 2005 under which the Licensing Board operates and note that clause 65(3) of the 2005 Act regarding Licensed hours : off---sales states

*“If the off---sales hours proposed in the application are such that alcohol would be sold for consumption off the premises—*

*(a) before 10am,*

***(b) after 10pm, or***

***(c) both,***

***on any day, the Board must refuse the application.***

I refer to the Board’s own Statement of Licensing Policy clause 6.1 which says

*“The Act changes the regime from standard permitted hours to hours set at the discretion of the Board, **except for off---sale licensed premises which have fixed permitted hours of 10.00am---10.00pm each day and which cannot be extended by the Board** but may be reduced if the licensing objectives are not met or the hours may lead to anti---social behaviour. “*

As the proposed hours Monday to Saturday as intimated in Schedule 1 meet the conditions of section 65(3) of the Act, the Board must refuse the application.

I note the Operating Plan which was not made readily or easily available has different hours for off sales and on sales (see answer in respect of questions 2 and 3) than that stated in Schedule 1. It is not clear that the operating plan can or would supercede Schedule 1 particularly if Schedule 1 is used as the source document advertised and sent to consultees.

There was no information provided to me to clarify if the off sales of alcohol from the shop and reception area is for guests staying at accommodation at the Piperdam resort, or is to be sold to any (adult) member of the public – and no information in the operating plan document provided to me meet clause 3.5.3 in the Licensing Board Statement of Licensing Policy re “The Board will expect applicants to provide details of the applicants’ proposals to prevent the sale of alcohol to children or persons under the age of 18 including, but not restricted to the following:---

- Effective and responsible premises management
- Appropriate instruction, training and supervision of those employed to secure the protection of children from harm  
Adoption of best practice guidance on prevention of sales of alcohol to Children
- Limitations on the hours when children may be present in all or parts of the premises  
Limitations or exclusions by age when certain activities are taking place  
Acceptance of accredited proof of age cards with photographs or Passports
- Age verification policy of 25 (Challenge 25) to be implemented “

If the Board is minded to approve the application on the basis of the operating plan and not the schedule 1, can I ask the Board to ensure that or add conditions that ensure

- (i) the reception area will be manned at all times 9am to 1am by a person with the appropriate licence outwith the main restaurant and function suite areas (or 10pm)
- (ii) There is sufficient security and barriers to prohibit the sale of alcohol for off sales outside 10am to 10pm given the ‘shop’ is an open area and the paying point is either the reception desk or the bar area presumably as there is no till point in the shop area – and it appears the reception area may or will be open for the sale of alcohol to be consumed on premise possibly from 9am and after 10pm.
- (iii) There is sufficient security and processes in place to stop any child or young adult taking alcohol and leaving the premise without paying for it.
- (iv) How the safeguard provision of children being accompanied by a responsible adult is sufficient and how will it be enforced when there is no staff attending in the shop, and the area between the shop and the reception area may be crowded with people.
- (v) Whether the shop area (general convenience store/off licence) has obtained or requires to obtain planning consent for the change of use from a reception area to a shop.
- (vi) Whether the shop is a shop / convenience store/ off licence serving only the registered guests of Piperdam resort’s holiday lodges or if it is a general convenience store/off licence open to the general public within and outwith the Piperdam area.

I kindly request a condition to be placed so the shop and sales of alcohol off premise to registered guests of Piperdam resort’s holiday lodges to meet licensing objectives.

What safeguards and measures for public safety are in place for persons purchasing alcohol from the shop for off premise consumption, consumes the alcohol at the open water lochside, or at seats in the children’s play area re objectives of securing public safety, preventing public nuisance and protecting children from harm.

What safeguards and measures will be in place for any person refused sale of alcohol in the bar, restaurant or function areas for whatever reason would be refused sale of alcohol off premise from the shop.

And to apply the following conditions :---

- (i) To restrict the sales of alcohol off premise to registered guests/residents of the Piperdam resort lodges
- (ii) No alcohol bought for off premise consumption to be consumed in the public areas of Piperdam resort and Piperdam residential areas.
- (iii) To prohibit the delivery of alcohol by vehicle including to any of the lodges (to safeguard children and young people under the age of 18)

## **2. On Sales Extension to Reception Area and Shop**

I refer to the document entitled Schedule 1 – Angus Licensing Board (undated and unsigned) from Applicant/Agent Muir Myles Laverty for Piperdam Golf & Leisure Resort which indicates the on premise sale of alcohol is between 10am and 10pm.

The applicant wishes to extend its premise licence to include the sale of on premise alcohol from its general convenience store/shop area and the reception area/desk in the main building at Piperdam Leisure Resort and sell alcohol for consumption on premise in the shop and reception area between 10am and 10pm – or possibly as the hours on the operating plan are longer between the hours of 9am to 1am in the morning, Monday to Friday and 12:30 to 1am on Sundays.

The applicant states that the shop and reception area has a capacity of 15. It is not clear if this means 15 people seated in the shop area and reception area for the consumption of alcohol on the premise in this area, or seated at bar stools at the reception desk.

How will the applicant ensure there is only 15 people allowed in the reception and shop area at check-in/check-out times when there are also people not staying at the lodges using the reception area as a route or waiting area for the swimming pool, gym suite, or beauty rooms.

The plans provided to me with the application have no layout plan showing the number of patrons permitted into the shop and reception area or fixed seating and table arrangements as indicated in the statement of policy 7.5 – nor in the lounge or restaurant areas.

The reception area is the route to the swimming pool, steam room, sauna and gym etc. The terms of use of the swimming pool allows 15, 16 and 17 year olds to use it unaccompanied by an adult, and use of the gym suite, sauna, steam room allows 16 and 17 year olds to use these facilities without being accompanied by an adult. However these young people would have to be in an area at least to traverse it if not sit in seats provided unaccompanied by a responsible adult where alcohol was being sold or served for on premise and off premise consumption. Therefore it appears that the presence of these unaccompanied children in the licensed premise will be permitted and presence not strictly regulated contrary for example to the Board's policy section 2(c) of the model local conditions for children (appendix 3).

It is not clear where the tables and chairs in the reception/shop area will be situated, whether bar stools will be placed alongside the reception desk for the consumption of alcohol in this area, and where children will sit --- nor whether given all the other bar and restaurant areas where alcohol can be consumed the extension to sell alcohol for consumption on premise would be not be appropriate it being difficult to supervise particularly at busy check---in and check---out times, from where would the on sales alcohol and glasses be stored – behind the reception desk or at a separate bar area in the reception area?

Is the Board satisfied that the exception of condition 2(a)(v) not to apply will allow children to be in the reception/shop area including using the reception area to access the swimming pool, gym, sauna and steam room etc while alcohol is being served and consumed there, and if so, if that is against the Board's policy.

I ask that the Board not grant the extension of premise licence for on sales at the shop and reception area to meet the objectives of children's condition 2(a)(iv) and still allow children access to the swimming pool and changing rooms through the reception and shop area, the primary use of the reception area for check---in/check---out/queries/sales from the shop and a route to and from the swimming pool, changing rooms etc.

I have no objection to the applicant having reduced hour for on sales for each of the areas specified in its operating plan to 10am to 10pm, particularly for the large area of multi purpose activity building and the 3 new party rooms therein.

For the above reasons I ask the Board to consider that the extension of on premise sale of alcohol is not granted to the reception and shop area.

There appears to be no plan for the location of the beer garden in the information I was sent by Licensing department. I kindly ask you to refuse the inclusion of the beer garden for both off sales and on sales until it is established where the beer garden is, if the beer garden requires planning consent or consent for change of use, and safeguards are in place to protect patrons from the open lochside and/or children are protected from harm in the children's play area if the beer garden is near the children's play area.