

CLACKMANNANSHIRE LICENSING BOARD

MEETING 06 October at 09.30am in

**The Council Offices, Kilncraigs,
Greenside Street, Alloa, FK10 1EB**

<p>THIS PAPER RELATES TO ITEM 4i ON THE AGENDA</p>

Licensing (Scotland) Act 2005

Variation(s) (Non Minor)

Premises	Applicant	Date Received	Comments
Bar Aldo 9-11 Coalgate Alloa FK10 1EH	Aldo Pia c/o McGregor Thomson Solicitors Springfield House Stirling FK7 9JQ	05 August 2020	<p>Variation to Operating Plan to include:-</p> <p>Incorporate the new layout to include courtyard outside area</p> <p>Alcohol sold for consumption for on and off the premises</p> <p>Amend commencement hour on Sundays for on sales to 11:00am</p> <p>Include seasonal variations</p> <p>Restaurant, receptions and recorded music change from no to yes</p> <p>Outdoor drinking facilities change from no to yes</p> <p>Allow Young Persons admittance till 10.00pm unaccompanied by an adult</p> <p>Include 30persons in gazebo/courtyard area</p> <p>Application and Licensing Standards Officer Report (copies attached)</p> <p>No objections/representations received from Police Scotland 01 September 2020</p>



APPLICATION FOR VARIATION OF PREMISES LICENCE

Licensing (Scotland) Act 2005, Section 29

To:

Clerk to the Licensing Board
Kilncraigs
Greenside Street
Alloa
FK10 1EB

If you are Completing this Form by Hand, Please Write Legibly in Block Capitals using **BLACK INK**. Please Ensure the Completed Application is Signed by the Applicant, Dated and Returned to the Above Address along with the Fee and the Original Licence or a Statement of Reasons as to why the Original Licence Cannot be Produced.

APPLICANT INFORMATION

Question 1

Name, Address, Postcode and Licence Number of Premises.

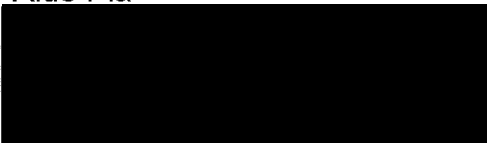
BAR ALDO
9-11 Coalgate
Alloa
FK10 1EH

PREMISES LICENCE NUMBER: CC045

Question 2

Full Name, Address, Postcode, Telephone Number and Email Address of the Current Licensee or the Applicant if Different.

Aldo Pia



DETAILS OF VARIATION

Question 3

Brief Details of Variation (Continue on Separate Sheet if Necessary)

1. VARIATION TO THE LAYOUT PLAN TO INCORPORATE THE NEW LAYOUT TO INCLUDE COURTYARD OUTSIDE AREA.
2. VARIATION TO QUESTION 1 TO CONFIRM AND CLARIFY ALCOHOL TO BE SOLD FOR CONSUMPTION BOTH ON AND OFF THE PREMISES.
3. VARIATION TO SUNDAY OPENING AT QUESTION 2 FROM 12.30 PM TO 11.00 AM.
4. VARIATION AT QUESTION 4 TO INCLUDE SEASONAL VARIATIONS.
5. VARIATION TO QUESTION 5 (a) RESTAURANT, RECEPTIONS AND RECORDED MUSIC TO CHANGE NO IN COLUMN 4 TO YES.
6. VARIATION TO QUESTION 5 (a) OUTDOOR DRINKING FACILITIES TO CHANGE NO TO YES.
7. VARIATION TO QUESTION 6 (b) TO ALLOW YOUNG PERSONS ADMITTANCE TILL 10 PM UNACCOMPANIED BY AN ADULT.
8. VARIATION TO QUESTION 7 CAPACITY TO INCLUDE 30 PERSONS IN GAZEBO/COURTYARD AREA

OPERATING PLAN

Question 4

Do you Propose to Vary any of the Information Within the Operating Plan Contained in the Licence?

YES/NO

If Yes Please Complete and submit New Operating Plan to include the Proposed Variations.

LAYOUT PLAN

Question 5

Do you Propose a Variation to the Layout Plan Contained in the Licence?

YES/NO

If Yes Please Supply **6 Copies** of the New Layout Plan Conforming to Paragraph 5 of The Premises Licence (Scotland) Regulations 2007.

CONDITIONS

Question 6

Do you propose a variation to any of the conditions to which the licence is subject?

YES/NO

If Yes please give details of the proposed variation below

Please Note That You Cannot Vary any Condition Which Is on Your Licence By Virtue Of Section 27(1) Of The Licensing (Scotland) Act, 2005 (Mandatory Conditions).

PREMISES MANAGER

Question 7

If you Propose to Vary the Information Contained in the Licence Relating to the Premises Manager . Please Provide the following information.

Name, Address and Personal Licence Details (Number and Issuing Board) of the Existing Premises Manager

If only the existing Premises Manager's Personal Details have Changed Please Provide details

If there is a Change of Premises Manager Please Provide the following:-

Name and Address of the Proposed Premises Manager

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Date and Place of Birth of the Proposed Premises Manager

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Email Address and Telephone Number of the Proposed Premises Manager

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Personal Licence

Date of Issue	Name of Licensing Board Issuing	Reference No. Of Personal Licence

Is the Variation Relating to the change of Premises Manager to Take Effect During the Application Period

YES/NO

If the Answer to the Above Question is NO Please Provide Below the Date the Variation is to Take Effect.

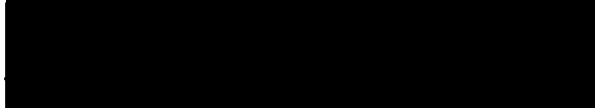
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DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If Signing on Behalf of the Applicant Please State in What Capacity.

The Contents of This Application Are True to the Best of my Knowledge and Belief.

Signature



* (See Note Below)

Date 4/5/20

Capacity **APPLICANT/AGENT**
(Delete as appropriate)

Telephone Number and Email Address of Signatory

01786 406423

jireland@macgregorthomson.co.uk

*** Data Protection Act 1998**

The Information on this Form May be Held on an Electronic Public Register Which May be Available to Members of the Public on Request

Clackmannanshire Licensing Board has a duty to protect public funds that it administers and may use this information for the prevention and detection of fraud. For more details, please contact The Councils, Senior Auditor, on telephone number 01259 452047

Checklist	
Fee enclosed	
Application signed/dated	
Original Licence enclosed or a Statement of reasons for failing to produce the Licence	
New Operating Plan Enclosed	
New Layout Plan Enclosed	

OPERATING PLAN

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

Question 1

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

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00 AM	12.00 MIDNIGHT
<i>Tuesday</i>	11.00 AM	12.00 MIDNIGHT
<i>Wednesday</i>	11.00 AM	12.00 MIDNIGHT
<i>Thursday</i>	11.00 AM	12.00 MIDNIGHT
<i>Friday</i>	11.00 AM	1.00 AM
<i>Saturday</i>	11.00 AM	1.00 AM
<i>Sunday</i>	11.00 AM	12.00 MIDNIGHT

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00 AM	10.00 PM
<i>Tuesday</i>	11.00 AM	10.00 PM
<i>Wednesday</i>	11.00 AM	10.00 PM
<i>Thursday</i>	11.00 AM	10.00 PM
<i>Friday</i>	11.00 AM	10.00 PM
<i>Saturday</i>	11.00 AM	10.00 PM
<i>Sunday</i>	12.30PM	10.00 PM

Notes: Non Minor Variation to include off-sales and hot food takeaway from the premises granted by Clackmannanshire Licensing Board on 15 August 2017.

Question 4

SEASONAL VARIATIONS

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

SUCH EXTENSIONS AS PERMITTED BY THE LICENSING BOARD FOR FESTIVE PERIOD AND OTHER PUBLIC AND NATIONAL HOLIDAYS
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Question 5

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

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	NO	NO	NO
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	YES	YES	YES
<i>Club or other group</i> <i>meetings etc.</i>	NO	NO	NO
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Recorded music – see</i> <i>5(g)</i>	YES	YES	YES
<i>Live performances –</i> <i>see 5(g)</i>	YES	YES	NO
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO

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

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

THE PREMISES WILL OCCASIONALLY OPEN AT 9 AM TO PROVIDE BREAKFAST FACILITIES WITH BACKGROUND MUSIC AND TO HOST RECEPTIONS.
OUTDOOR DRINKING FACILITIES MAY BE OFFERED FOR THE SALE OF NON ALCOHOLIC DRINKS BEFORE THE CORE OPERATING HOURS

5(f) any other activities

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

HOT FOOD TAKEAWAY

5(g) Late night premises opening after 1.00am N/A

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	
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When fully occupied, are there likely to be more customers standing than seated?	
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*Delete as appropriate	
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Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

<p>CHILDREN WILL REQUIRE TO BE ACCOMPANIED BY ADULTS.</p> <p>YOUNG PERSONS WILL BE ALLOWED ADMITTANCE TO TAKE A MEAL UNACCOMPANIED BY AN ADULT TILL 10 PM AND ACCOMPANIED BY AN ADULT AFTER 10 PM.</p>
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6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

BIRTH -18 YEARS

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

NORMAL OPENING TIMES

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

PUBLIC AREAS OF THE RESTAURANT

Question 7

CAPACITY OF PREMISES

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

ON SALES INTENRAL AREA – 90 PERSONS
GAZEBO AND COURTYARD AREA – 30 PERSONS

Question 8

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

Personal details

8(a) *Name*

ALDO PIA

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address*

[REDACTED]

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
01 OCTOBER 2009	EDINBURGH LICENSING BOARD	275666

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this operating plan are true to the best of my knowledge and belief.

Signature  (see note below)

Date 4/8/20

Capacity AGENT (delete as appropriate).

Telephone number and email address of signatory

ANDREW THOMSON, INN BUSINESS SCOTLAND LIMITED, SPRINGFIELD HOUSE,
LAURELHILL BUSINESS PARK, STIRLING, FK7 9JQ

EMAIL: athomson@innscotland.com

TEL: 

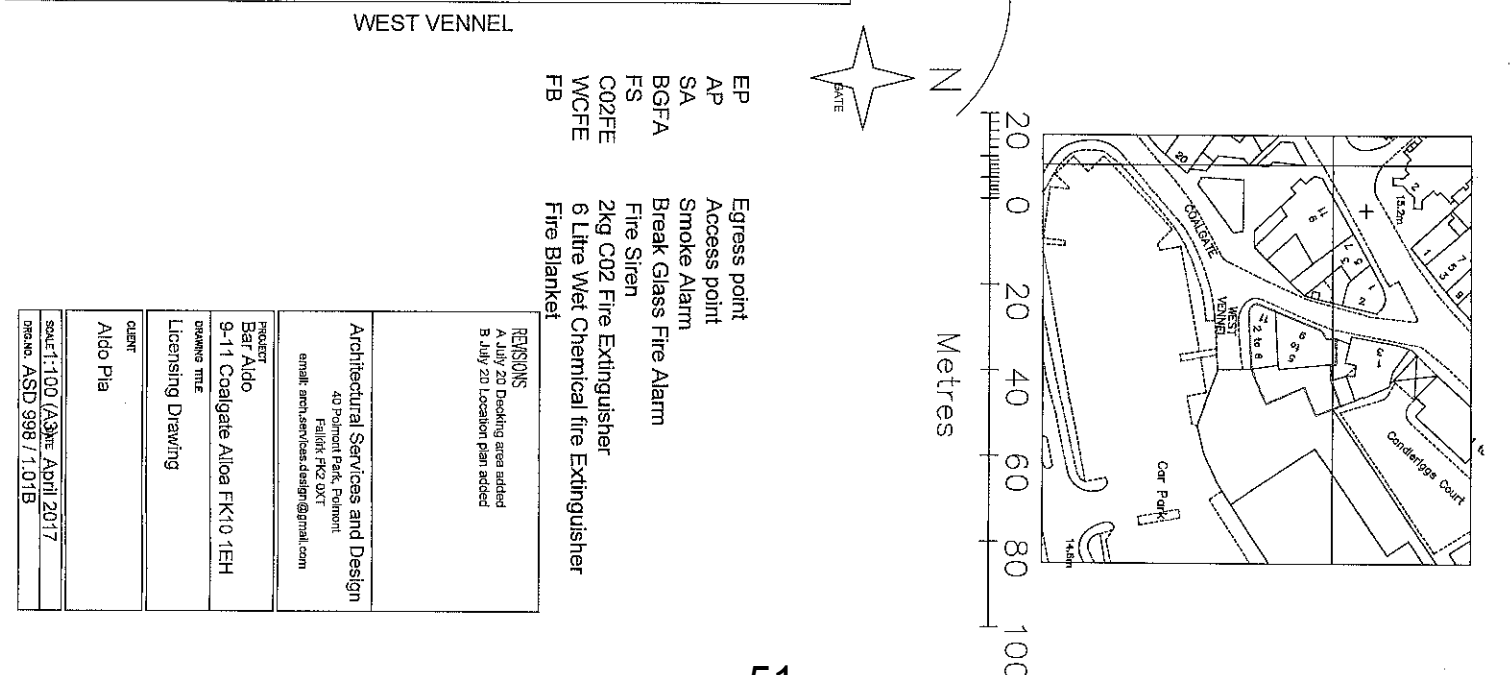
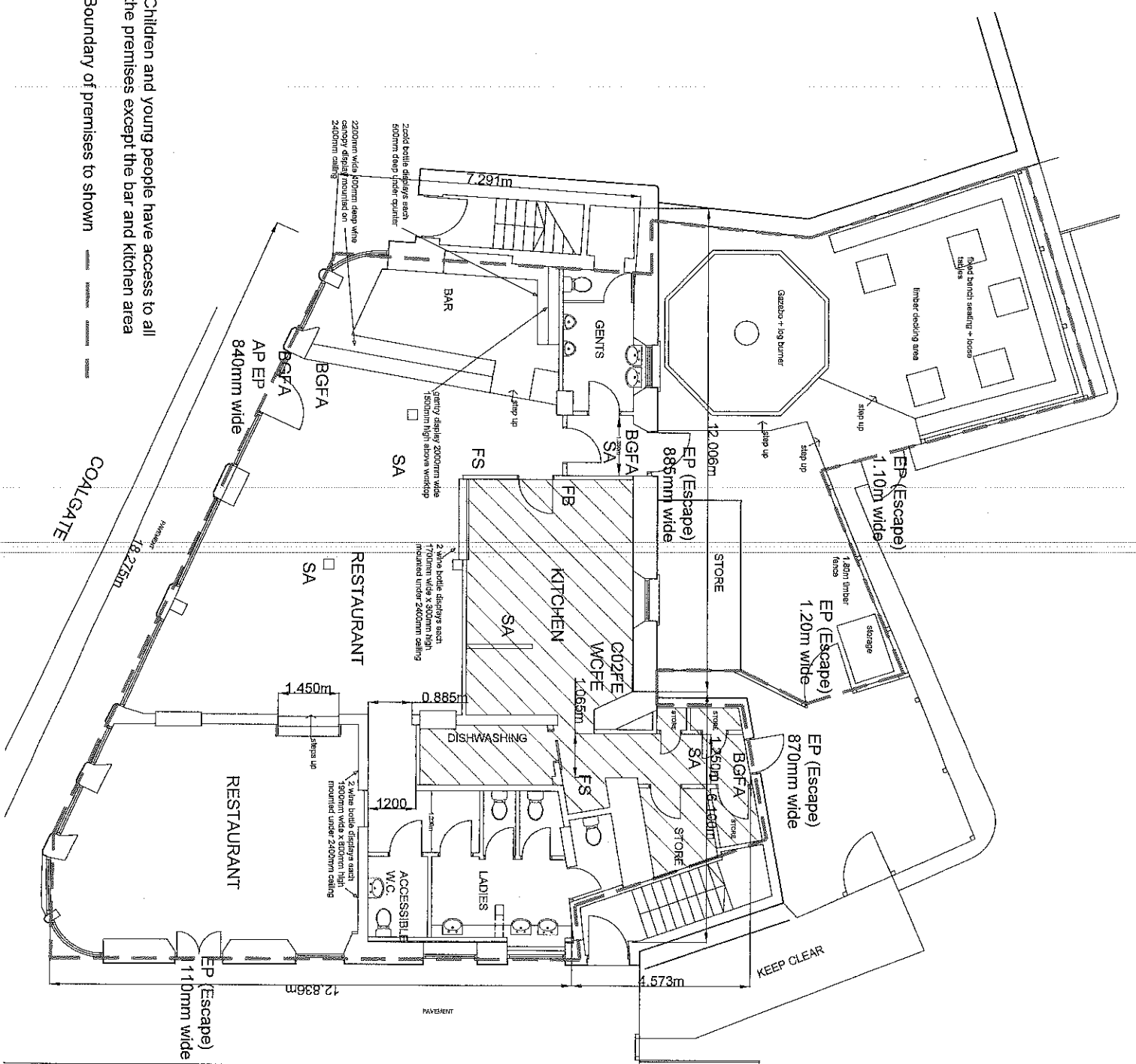
*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in connection with premises licences under Part 3 of the Licensing (Scotland) Act 2005 ("the Act"). The form of a premises licence and of a summary of such a licence are set by regulations 2 and 3 and Schedules 1 and 2. Regulation 4 and Schedules 3 and 4 set down the form of an application for a premises licence. In terms of section 20(2) of the Act, any application for a premises licence requires to be accompanied by a layout plan and an operating plan. Regulation 5 makes provision as to the layout plan and regulation 6 and Schedule 5 prescribe the form of an operating plan.



REVISIONS	A July 20 Decking area added B July 20 Location plan added
Architectural Services and Design	40 Poinsett Park, Poinsett Faldick FK2 DXT email: arch.services.design@gmail.com
PROJECT	Bar/Aldo
DRAWING TITLE	9-11 Coalgate Aloia FK10 TEH Licensing Drawing
CLIENT	Aldo Pia
SCALE	1:100 (A3) 1:200 (A4) April 2017 DRAWG. ASD 998 / 1.01B

Children and young people have access to all the premises except the bar and kitchen area
Boundary of premises to shown



Partnership and Performance

Kilncraigs, Greenside Street, Alloa, FK10 1EB

Telephone: 01259 450000

Memo

To: **The Clerk to the Licensing Board
Greenfield
Alloa
FK10 2AD**

From: **Paul Fair
Licensing Standards Officer**

Extension: **2091**

Email: **pfair@clacks.gov.uk**

Our Ref: **PF/LSO/NMV/REP/CC045**

Your Ref:

Date: **17 September, 2020**

Subject: **Licensing (Scotland) Act, 2005. Section 29
Application for a Non Minor Variation
Bar Aldo, 9-11 Coalgate, Alloa, FK10 1EH CC045**

1. Having considered the content of the application I have the following comments to make, these comments should be treated as a representation in the terms of section 22 of the Licensing (Scotland) Act, 2005.
2. The application seeks to vary the premises licence No CC045 in the following ways :
 - a) To include an outdoor courtyard in the licensed area.
 - b) Change the terms of young persons access to the premises.
 - c) Amend the commencement hour on Sundays to allow alcohol sales from 11am.
 - d) Amend the operating plan to include a seasonal variations.
 - e) Add off sales of alcohol to the licence.
 - f) Other minor consequential changes to the operating plan
3. In relation to matters above I have no comment to make other than to highlight that these changes cause me no concern and simply bring the premises up to date with the licence holder's current business model and into line with other similar premises operating within Clackmannanshire.
4. The Premises Licence Holder both understands the additional responsibilities involved in the changes to the young persons access to the premises.
5. In relation to Item "a" above, the courtyard area has been an existing part of the premises for many years although is not part of the licensed area. I am unaware of any complaints made in relation to the courtyard and its use by customers of Bar Aldo.
6. The applicant is aware that recent amendments to the Statement of Licensing Policy, include a number licensing conditions that effect outdoor drinking areas, he has indicated that none of the proposed conditions would cause him any operating difficulty.

7. Having considered the context and likely levels of use of this particular outdoor area I would suggest that the conditions marked in bold and with an asterisk (*) in the list contained at appendix A to this report may be necessary and expedient for the purposes of securing compliance with the licensing objectives. However I have reproduced the full list of pool conditions from the 2018 Statement of Licensing Policy document and the Licensing Board may consider that additional condition as are necessary.

Paul Fair

Licensing Standards Officer.

Appendix A – Extract from 2018 Statement of Licensing Policy

Premises with Outdoor Drinking Areas

The Board will require that in order to meet the licensing objectives under the Act that the applicant manages the outdoor drinking area in a responsible manner. Where the Board is minded to grant the application, some or all of the following conditions may apply to the licence:

*** Consumption of alcohol in the outdoor drinking is not permitted after 10.00pm. (other times may be agreed in appropriate circumstances)**

*** No live or recorded music, live performances or other entertainment is permitted within the outdoor drinking area.**

*** Customers using the outdoor drinking area shall at all times be supervised and/or monitored to ensure that nuisance or annoyance to neighbouring residents is not caused. In particular staff must take all reasonable steps to prevent shouting, singing and disorderly conduct within the outdoor area.**

Customers consuming alcohol must not be permitted to not encroach on to the footpath or any adjoining public area outwith the boundaries of the licensed outdoor drinking area.

*** Where the outdoor drinking facility is to be used during the hours of darkness, the licence holder shall ensure that suitable lighting is provided for the convenience and safety of all persons on the premises.**

*** The outdoor drinking facility must not be used for any purpose which is likely to cause annoyance to neighbours through smell, for example, the use of barbecues.**

*** Any facility provided for the comfort of patrons such as outdoor heaters must be used and maintained in a safe manner and in accordance with manufacturers' instructions and any other statutory requirements.**

The licence holder should insofar as practical provide plastic or other suitable non-glass drinking containers for use in the outdoor drinking area(s). The licence holder should seek to take all necessary steps to prevent customers taking glasses and in particular glass bottles into the outdoor drinking area.

*** Where smoking is permitted in the outdoor drinking area, ashtrays or other suitable receptacles will be provided.**

*** Where smoking is permitted in the outdoor drinking area or in part of the outdoor area children and young persons will not be permitted access to the outdoor area or to any part of the area where smoking is permitted, or to any part of the outdoor area where second hand smoke may be present.**

The Premises Licence Holder must prepare a document for the benefit of the current Premises Manager and any staff working on the premises, explaining how compliance with the conditions of the premises licence, insofar as they relate to the licensed outdoor drinking area, will be achieved and supervised. This document must be available to staff at all times and a record

should be kept of all staff trained in relation to it. This Document must also be available on the premises for inspection by the Licensing Standards Officer

In any outdoor drinking area attached to the premises the licence holder will be required to display such notices as prescribed by the Licensing Board. Notices prescribed in relation to this conditions may relate to such matters as

Noise

Conduct of Customers

Children's and Young Person's Access to the Area

Permitted hours of use

Outdoor drinking areas which are adjacent to a public place or public footpath, must at all times when the area is in use be clearly delineated by a physical barrier making the extent of the licensed area clear and obvious to any person using the area or using the adjacent public place or footpath.

*** All alcohol to be consumed in the Outside Drinking Area must be taken to and from the Area by the designated premises manager or another member of staff authorised to serve or sell alcohol on their behalf. Patrons of the Premises are specifically prohibited from taking alcohol to or from the Premises to the Outside Drinking Area.**

Only Plastic Polycarbonate or other unbreakable drinking vessels may be used in the outdoor drinking area. All drinks whether alcoholic or not must be decanted from any glass containers into unbreakable drinking vessels.