APPLICATION FOR VARIATION OF PREMISES LICENCE

Licensing (Scotland) Act 2005, Section 29

To:

Clerk to the Licensing Board Kilncraigs Greenside Street Alloa FK10 1EB THIS PAPER RELATES TO ITEM 4a
ON THE AGENDA

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.

KINGS SEAT 19 BRIDGE STREET DOLLAR FK14 7DE

PREMISES LICENCE NUMBER: CC0059

Question 2

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

EMPIRE INNS PROPERTYCOMPANY LIMITED Springfield House Laurelhill Business Park Stirling FK7 9JQ

DETAILS OF VARIATION

Question 3

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

- VARIATION TO THE LAYOUT PLAN TO INCORPORATE THE NEW LAYOUT.
- 2. VARIATION TO QUESTION 2 ONSALES TO CHANGE THE ONSALE OPENING TIME FROM 12AM/12.30PM TO 11.00 AM DAILY.
- 3. VARIATION TO QUESTION 3 OFFSALES TO CHANGE THE OFFSALE OPENING TIME FROM 12AM/12.30PM TO 11.00 AM DAILY.
- 4. VARIATION TO QUESTION 5(a) CONFERENCE FACILITIES to CHANGE NO TO YES IN COLUMN 2,3 AND 4.
- 5. VARIATION TO QUESTION 5(b) RECEPTIONS ETC AND CLUB MEETINGS ETC FROM NO TO YES IN COLUMN 4.
- 6. VARIATION TO QUESTION 5(c) RECORDED MUSIC AND LIVE PERFORMANCES FROM NO TO YES IN COLUMN 4.
- 7. VARIATION TO QUESTION 5(a) OUTDOOR DRINKING FACILITIES TO CHANGE NO TO YES IN COLUMN 2,3 AND 4.
- 8. UPDATING THE ACTIVITIES IN COLUMN 4 STATEMENT IN CONNECTION WITH UPDATES.
- UPDATE QUESTION 6(b) STATEMENT OF TERMS UNDER WHICH CHILDREN AND YOUNG PERSONS WILL BE ALLOWED ACCESS.
- 10. TO UPDATE THE DECRIPTION OF THE PREMISES TO
 "THE PREMISES IS A TWO STOREY ATTACHED BUILDING IN
 DOLLAR. THE GROUND FLOOR COMPRISES; BAR AREA, BAR,
 GROUNG FLOOR RESTAURANT AREA, KITCHEN
 STOREAGE, MALE/FEMALE AND ACCESSABLE WC'S TOGEATHER
 WITH OUTDOOR AREAS TO THR FRONT AND REAR OF THE
 PREMISES.
 - THE FIRST FLOOR COMPRISES OF; FIRST FLOOR RESTAURANT AREA AND PRIVATE DINING. THE PREMISES IS LOCATED WITHIN AN AREA WITH A MIXTURE OF RESIDENTIAL AND COMMERCIAL PROPERTIES"
- 11. TO CHANGE THE NAME OF THE PREMISES FROM "KING SEAT" TO "THE INN"

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.

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CONDITIONS

Question 6

Do you propose a variation to any of the conditions to which the licence is subject?	S
YES/N	10
If Yes please give details of the proposed variation below	
Please Note That You Cannot Vary any Condition Which Is on Your Licer Virtue Of Section 27(1) Of The Licensing (Scotland) Act, 2005 (Mandator Conditions).	nce By ry
PREMISES MANAGER	
Question 7	
f you Propose to Vary the Information Contained in the Licence Relating to Premises Manager . Please Provide the following information.	to the
lame, Address and Personal Licence Details (Number and Issuing Board Existing Premises Manager) of the
only the existing Premises Manager's Personal Details have Changed Frovide details	Please

	L. C. H. Danner I Drawings Man	agor
	n of the Proposed Premises Man	
	lephone Number of the Proposed	
Emaily (duriese and re		
-5.000		
Personal Licence		
Date of Issue	Name of Licensing Board Issuing	그 사용하다 살아가게 보겠다면 사용하다 있다고 하셨다.
Date of Issue		Reference No. Of Personal Licence
Date of Issue		그 사용하다 살아가게 보겠다면 사용하다 있다고 하셨다.
	Issuing	Personal Licence
	Issuing ng to the change of Premises Ma	Personal Licence
Is the Variation Relation	Issuing ng to the change of Premises Ma	Personal Licence

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 Knowledg Belief.	e and
Signature (See Note Below)	
Date 22/9/20	
Capacity	
Telephone Number and Email Address of Signatory	

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	

^{*} Data Protection Act 1998

OPERATING PLAN

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

Question 1

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

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

Question 2

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

Day	ON Co	ON Consumption	
	Opening time	Terminal hour	
Monday	11.00 AM	12.00 MIDNIGHT	
	11.00 AM	12.00 MIDNIGHT	
Tuesday Wednesday	11.00 AM	12.00 MIDNIGHT	
Thursday	11.00 AM	12.00 MIDNIGHT	
Friday	11.00 AM	1.00 AM	
Saturday	11.00 AM	1.00 AM	
Sunday	11.00 AM	12.00 MIDNIGHT	

Question 3

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

Day	OFF Consumption		
	Opening time	Terminal hour	
Monday	11.00 AM	10.00 PM	
Tuesday	11.00 AM	10.00 PM	
Wednesday	11.00 AM	10.00 PM	
Thursday	11.00 AM	10.00 PM	
Friday	11.00 AM	10.00 PM	
Saturday	11.00 AM	10.00 PM	
Sunday	11.00 AM	10.00 PM	

Question 4

SEASONAL VARIATIONS

	VIII	
Does the applicant intend to operate according to seasonal demand	YES	

^{*}If YES - provide details

THE PREMISES WILL OPERATE ADDITIONAL HOURS FOR SALE OF ALCOHOL IN CONFORMITY WITH CLACKMANNANSHIRE LICENSING BOARD'S DECLARED POLICY ON FESTIVE EXTENSIONS

Question 5

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

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

Films	NO	NO	NO
Gaming	YES	YES	NO
Indoor/outdoor sports	NO	NO	NO
Televised sport	YES	YES	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
Outdoor drinking facilities	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
Adult entertainment	NO	NO	NO

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

Conference facilities and Receptions – Conferences and Seminars and such Receptions as described above shall occasionally commence from 9.00.a.m with the provision of morning facilities such as teas, coffees and breakfasts.

Restaurant facilities/Bar Meals - teas, coffees and breakfasts commence from 9.00 a.m for patrons.

Club or other group meetings etc. - as for Receptions

Recorded music- background music shall occasionally be provided to enhance the provision of morning Receptions, Club meetings, Conferences and Seminars

Live performances— dramatic, artistic and musical performances by artistes shall occasionally be performed in the morning before licensing opening times but not after the terminal drinking hours to enhance Conferences, Seminars, Receptions and Club Meetings

Televised sport – sporting events from across the world, such as tennis, football, athletics events (Olympic Games, Commonwealth Games, World Championships), boxing matches shall on occasion be screened but not after the terminal hour.

Outdoor drinking facilities – non alcoholic refreshment will be available for consumption in the outdoor drinking areas in the morning before licensing opening times but not after 10 p.m.

ıj yoı or fui	propose to provide any activities other than those listed in $5(a)$ – (e) please provither information in the box below.	ride deta
, ,		
5(g) I	Late night premises opening after 1.00am N/A	
16/		
Wher	e you have confirmed that you are providing live or recorded music, will the el level exceed 85dB?	NO
iecio	et tevet exceed ofad:	
Vher	fully occupied, are there likely to be more customers standing than seated?	NO
*Del	ete as appropriate	
Ouos	tion 6 (On-sales only)	
Ques	tion o (On-saics only)	
am	LDREN AND YOUNG PERSONS	
CHII		
	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES
6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry *Delete as appropriate	YES
	young persons be allowed entry	YES
6(a)	young persons be allowed entry *Delete as appropriate Where the answer to 6(a) is YES provide statement of the TERMS under which	YES
	young persons be allowed entry *Delete as appropriate	YES
6(a) 6(b)	young persons be allowed entry *Delete as appropriate Where the answer to 6(a) is YES provide statement of the TERMS under which	

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

BIRTH -17 YEARS

6(d) Provide statement regarding the TIMES during which children and young persons will be allowed entry
Children and Young Persons will be allowed to remain in the Bar area until no later than 8pm are in the Bartaneau and Bright Bir in the Bartaneau and Bright B
in the Restaurant and Private Dining areas until the terminal hour each day Children and Young Persons will be allowed to remain in the outdoor seating areas until the terminal hour each day.
6(e) Provide statement regarding the PARTS of the premises to which children and young persons will be allowed entry
CHILDREN AND YOUNG PERSONS WILL HAVE ACCESS TO ALL AREAS OF THE PREMISES.
Question 7
CAPACITY OF PREMISES
What is the proposed capacity of the premises to which this application relates?
ON SALES – 106
OFF SALES 363SQM M2
Question 8
PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)
Personal details
8(a) Name
8(b) Date of birth

8(d) Email address		
8(e) Personal licence		F- aggottal
Date of issue	Name of Licensing Board issuing	Reference no. of personal licence
DECLARATION BY	APPLICANT OR AGENT ON BEHAL	F OF APPLICANT

Telephone number and email address of signatory

JACQUELINE IRELAND, INN BUSINESS SCOTLAND LIMITED

Springfield House

Laurelhill Business Park

Stirling

FK79JQ

01786 406423

* 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.

machin dunn • macfarlane Date SCALE As Noted @ A1 DATE 1st October 2015 DRG NO. 2066/IP/1.01 E The copyright of this drawings and it's contant is reserved by meanfain durin - martillarium walls interested by the Copyrights Acts, (Section 47, 1989). This material can be used to containation purposes ofly and it is caused with the covers that it is not copied or disclosed to say third postly, where wholl point part, without the written permession of machini claim * madratine 2. All dimensions to be checked on site prior to ordering materials Drawings should be read in conjunction with all structural and services engineer drawings and specifications. Revision A.- Drawing finalised in respect of Licensing Applicat Revision D.- Extent of area to be Licensed Instressed as per-discussions between Applicant and Licensing Board PROJECT
Proposed Licensing Application at
Williams Brothers Brewing Co.,
John Sinclairs Yard, Kelliebank, Alloa Revision D - Plans revised to reflect updated layou at Joby 2010 Revision E - Proposals amanded to reflect Clents Williams Brothers Brewing Co. DRAWING TITLE Revisions 8 **Hatched Area denotes the extent of the area Licensed in the terms of The Licensing (Scooland) Act 2005** Maximum Dimensions of Sales Area ** 100 X 16.5m x 4m high Store Casking Brewing 0 in Section 1 **No Areas within premises accessible to members of the public or children and young persons** 0 Office 00 0 Bottling "Cultine of machinery shown indicatively" 00 Store Malt Store Office WC BG - Brak Gara Pont Main Entrance - Man Estrance to LEGEND FIGER - Fre Lat Location Plan 1:2500 Overall Floor Plan 1:200 700 O Crown Copyright 2020 Reproduction in whole or in part is prohibited without the prior permission of Orderance Survey **(Z)** 0 0 0 0 4 0 0 26

Notes

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/CC059

Your Ref:

Date: 23 September, 2020

Subject: Licensing (Scotland) Act, 2005. Section 29

Application for a Non Minor Variation

The Kings Seat, 19 Bridge Street, Dollar, FK14 7DE CC059

- 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 to be determined seeks to vary the premises licence No CC030 in the following ways:
 - a) Seeks Licensing Board approval for a new extended layout, including the conversion of former living accommodation above the premises into a restaurant area and the addition of 2 outdoor drinking areas, one on the front footpath and one to the rear of the premises.
 - b) Change to the terms of the operating plan to include outdoor drinking.
 - c) Change to the terms of children and young persons access
 - d) Several consequential changes to the operating plan as a result of the changes

 (a) & (b) above including a change to the terms of the description of the premises.
 - e) Variation to the commencement hour for both on sales and off sales of alcohol.
 - f) Change to the trading name of the premises.
- 3. The application has been lodged by new owners and operators of the premises and represents and significant alteration to the Kings Seat.
- 4. The Premises have been subject of a major refurbishment and renovation including the creation of a restaurant area in what was previously residential staff accommodation.
- 5. The new owners are well known, and experienced operators of licensed premises in a neighbouring Board area.

- 6. The variation as can been seen on the application form is major, however in general I have no concerns about the proposed changes with the exception of the outdoor areas.
- 7. There are two separate outdoor areas identified on the proposed layout plan, one to the front of the premises and one to the rear. The area to the front has been licensed during the recent COVID special circumstances period without complaint.
- 8. The area to the rear of the premises has historically attracted a number of neighbour complaints relating to customer noise, abusive language, and contamination of neighbouring gardens caused by second hand cigarette smoke.
- 9. The complaints were difficult to address as the area was not previously part of the licensed premises and therefore not controlled by the terms of the licensing (Scotland) Act 2005.
- 10. In determining this variation application the Board will have to consider whether or not the outdoor area to the rear is suitable for licensing and may wish consider a site visit in relation to this. In the current climate it may be determined that a group site visit is not appropriate and that a series of photographs or video may assist.
- 11. The applicant is aware that the relevantly recent amendments to the Clackmannanshire Licensing Board Statement of Licensing Policy, include a number licensing conditions that effect outdoor drinking areas. I have had the opportunity to discuss the possibility of these conditions being applied as local conditions with the applicant's agent. I am sure having had the opportunity to read this report that they will make comment if any of the proposed conditions would cause an operating difficulty.
- 12. Having considered the layout plan, 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 conditions as are necessary.
- 13. In relation to the concern raised about the possible drift of second hand cigarette smoke into neighbouring gardens I can report that the applicant has agreed to designate this area as a no smoking zone. To correctly regulate this matter I would suggest that a local condition in terms similar to the draft condition at the end of Appendix A may be necessary and expedient for the purposes of the licensing objectives.

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.
- * 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.

*Only alcohol that has been sold by the premises can be consumed in the outdoor area.

Draft condition for No Smoking outdoor area at rear.

(proposed for rear area only) This area must be designated as a "NO SMOKING" area and the licence holder must take steps to ensure that customers do no smoke lit tobacco, or any other product when using this area. Notices reminding customers that the area is a "NO SMOKING" area must be conspicuously displayed, in such a position that they are easily read by anyone in the area.

CLACKMANNANSHIRE

-3 SEP 2020

COUNCIL

DOLLAR

28 September 2020

Clerk to the Licensing Board

Kilncraigs

Greenside Street

ALLOA

FK10 1EB

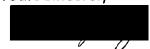
KINGS SEAT APPLICATION, LICENCE NUMBER CC0059

Dear Sir/Madam

I would like to lodge an objection to the application for outdoor drinking by the new owners of The Kings Seat, Dollar.

My garden backs directly on to the area at the rear of the Kings Seat and I have had problems in the past with the noise generated by people drinking outside. This is predominantly a residential area and should be kept as a peaceful environment for the people close to the area.

Yours sincerely



Ruth E Greig



Your Reference Cc0059. Kings seat Dollar deborah wilkie to: jandison@clacks.gov.uk

15/09/2020 10:33

Good evening

With regards to the above we would just like to raise our concerns regarding the above property.

I would like to raise an objection regarding the outside spaces.

We can unfortunately already hear a considerable increase in noise but our main concern is breathing in smoke all day every day that it is open. Our back garden which is really small backs onto their main smoking area and as our garden is small we cannot avoid it. It surely cannot be good for us due to the amount of smoke that comes in and this is at this time of year when I'm sure its not as busy as it shall be in the spring and summer months ahead.

We also would like to check that the outside area is open to 10pm at the latest.

We have absolutely no objection to people enjoying themselves (and we also hope to join them sometimes) but are really concerned as our only outside space is our back garden and we feel that we won't be able to enjoy sitting out there in the future when it is finished as we are trying to redo it. We just moved in last year and hope to make it a nice outside living area.

I trust that you find this in order and look forward to hearing from you in due course.

Kindest regards

Deborah Wilkie

Dollar