

**THIS PAPER RELATES TO
ITEM 4
ON THE AGENDA**

CLACKMANNANSHIRE LICENSING BOARD

MEETING 03 December 2020 at 02:00pm

VIA MS Teams

Licensing (Scotland) Act 2005

Premises Licence

Premises	Applicant	Date Received	Comments
Haider Mini Market 2 Lochies Road Clackmannan FK10 4EL	Mohammad Amin c/o Gordon Emslie GNE Consultancy 47 Wallace Brae Drive Reddingmuirhead Falkirk FK2 0FB	20 October 2020	Application for Premises Licence (Off Sales) Application and Licensing Standards Officer Report (copies attached) Received No objections/representations received from Police



APPLICATION FOR A PREMISES LICENCE

*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

APPLICANT INFORMATION Licensing (Scotland) Act 2005, section 20(1)

Question 1

Name, Address and Postcode of Premises to be Licensed

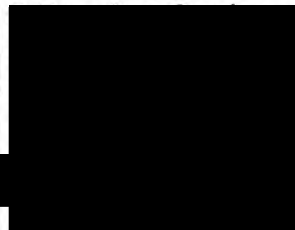
Haider Mini Market
2 Lochries Road
Clackmannan
FK10 4EL

Question 2

Particulars of Applicant

2(a) Where Applicant is an Individual, Provide Full Name, Date and Place of Birth, and Home Address including Postcode.

Mohammad Amin



2(b) Where Applicant is a Partnership, please provide Full Name, and Postal Address of Partnership.

N/A

2(c) Where Applicant is a Company, please provide Name, Registered Office And Company Registration Number.

N/A

2(d) Where the Applicant is a Club or Other Body, please provide Full Name, and Postal Address of Club or Other Body.

N/A

2(e) Where Applicant is a Partnership, Company, Club or Other Body, please Provide the Names, Dates and Places of Birth and Home Address of Connected Persons*

N/A

***Connected Person is defined in section 147(3) of the Licensing (Scotland) Act 2005**

For the Purposes of this Act, a person is, in relation to a partnership, a company, a club or other body (whether incorporated or unincorporated), a connected person if the person-

- (a) in the case of partnership is a partner,
- (b) in the case of a company-
 - (i) is a director, or
 - (ii) has control of the company
- (c) in the case of a club, is an office bearer of the club,
- (d) in any other case, is concerned in the management or control of the body.

For the Purposes of subsection (3)(b)(ii) and this subsection, a person is taken to have control of a company if-

- (a) any of the directors of the company, or of any other company having control of the company, is accustomed to act in accordance with the person's directions or instructions, or
- (b) the person is entitled to exercise, or to control the exercise of, at least one third of the voting power at any general meeting of the company or of any other company having control of the company.

Question 3

Previous Applications

Has the Applicant been refused a Premises Licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same Premises? **No***

If Yes – Provide Full Details

Question 4

Previous Convictions

Has the Applicant or any Connected Person ever been Convicted of a relevant or Foreign Offence (a) **No***

If Yes – Provide Full Details

For the Purpose of this Act, a Conviction for a Relevant Offence of Foreign Offence is to be disregarded if it is Spent of the purpose of the Rehabilitation of Offenders Act 1974

Name & Position (if Applicable)	Date of Convictions or Sentence	Court	Offence	Penalty
N/A				

- (a) In Addition to any convictions held by the applicant at the time of application, applicant should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

Applicant's Duty to Notify Licensing Board of Convictions

- (1) This section applies where any of the persons specified in subsection (2) is convicted of a relevant or foreign offence during the period beginning with the making of a premises licence application and ending with determination of the application.
- (2) Those persons are-
 - (a) the applicant, and
 - (b) where-
 - (i) the applicant is neither an individual nor a council, or
 - (ii) the premises in respect of which the licence is sought are used wholly or mainly for the purposes of a club.
 any connected person.
- (3) The applicant must, no later than one month after the date of the conviction give notice of the conviction to the Licensing Board to which the application was made.
- (4) A notice under subsection (3) must specify-
 - (a) the nature of the offence, and
 - (b) the date of the conviction.

DESCRIPTION OF PREMISES Licensing (Scotland) Act 2005, section 20(2)(a)

Question 5

Description of Premises (where Application is Submitted by a Member's Club please also complete question 6)

The premises is a single storey building in height with the floor area being the community convenience store which includes public access, storage and staff to The convenience store is located on the corner of Lochies Road and Castle St in Clackmannan. The store has operated for many years selling groceries, tobacco, fresh foods Paypoint, lottery and newsagents.

Question 6

To be completed by Member's Club Only

Do the Club's Constitution and Rules Conform to The requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007

Yes/No*

*Delete as appropriate

A Copy of the Club's Constitution & Rules **MUST** Be Included With The Application

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 : *Gordon Emslie*.....* (see note below)

Date **.3rd July 2020**

Capacity: **Agent** AGENT (delete as appropriate)

Telephone number and email address of signatory ..



I Have Enclosed the Relevant Documents with this Application – Please Tick the Relevant Boxes	
Operating Plan	<input checked="" type="checkbox"/>
Layout Plan	<input checked="" type="checkbox"/>
Planning Certificate	Applied for
Building Standards Certificate	Applied for
Food Hygiene Certificate	Applied for

***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

FOR USE BY THE LICENSING BOARD ONLY

APPLICATION CHECKLIST

DATE RECEIVED	
FEE AMOUNT	
RECEIPT NUMBER	
RECEIVED BY (INITIALS)	
CONSIDERATION DATE	
LAST DATE FOR CONSIDERATION	
DATE OF INITIAL HEARING	
DATE GRANTED/REFUSED (delete as appropriate)	

FOR USE BY THE LICENSING BOARD ONLY

IF APPLICATION IS FOR A PREMISIES LICENCE

DOCUMENTS REQUIRED

OPERATING PLAN	
LAYOUT PLAN	
PLANNING CERTIFICATE	
BUILDING STANDARDS CERTIFICATE	
FOOD HYGINE CERTIFICATE	

FOR USE BY THE LICENSING BOARD ONLY

IF APPLICATION IS FOR A PROVISIONAL PREMISES LICENCE

DOCUMENTS REQUIRED

PROVISONAL PLANNING CERTIFICATE	
OPERATING PLAN	
LAYOUT PLAN	

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?	Yes
1(c) Will alcohol be sold for consumption both ON and OFF the Premises?	No*
*Delete as appropriate	

Question 2

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

DAY	ON CONSUMPTION	
	OPENING TIME	TERMINAL HOUR
MONDAY	N/A	N/A
TUESDAY	N/A	N/A
WEDNESDAY	N/A	N/A
THURSDAY	N/A	N/A
FRIDAY	N/A	N/A
SATURDAY	N/A	N/A
SUNDAY	N/A	N/A

Question 3

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

DAY	OFF CONSUMPTION	
	OPENING TIME	TERMINAL HOUR
MONDAY	10:00 AM	10:00pm
TUESDAY	10:00 AM	10:00pm
WEDNESDAY	10:00 AM	10:00pm
THURSDAY	10:00 AM	10:00pm
FRIDAY	10:00 AM	10:00pm
SATURDAY	10:00 AM	10:00pm
SUNDAY	10:00 AM	10:00pm

Question 4

SEASONAL VARIATIONS

Does the Applicant intend to operate according to Seasonal Demand	NO
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*If YES – provide details

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
Accommodation	N/A	N/A	N/A
Conference Facilities	N/A	N/A	N/A
Restaurant Facilities	N/A	N/A	N/A
Bar Meals	N/A	N/A	N/A
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
Receptions Including Wedding, Funerals, Birthdays, Retirements Etc.	N/A	N/A	N/A
Club of Other Group Meetings etc.	N/A	N/A	N/A
5(b) 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
Recorded Music – see 5(g)	N/A	N/A	N/A
Live Performance – See 5(g)	N/A	N/A	N/A
Dance Facilities	N/A	N/A	N/A

Theatre	N/A	N/A	N/A
Films	N/A	N/A	N/A
Gaming	N/A	N/A	N/A
Indoor/Outdoor Sports	N/A	N/A	N/A
Televised Sport	N/A	N/A	N/A
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	N/A	N/A	N/A
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*	N/A	N/A	N/A

* Adult Entertainment means any form of entertainment which-
(a) involves a person performing an act of an erotic or sexually explicit nature; and
(b) is provided wholly or mainly for the sexual gratification or titillation of the audience

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

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

The premises will open daily at 7pm. Additional services offered are:

Food to Go
Home delivery

BUT NOT FOR THE SALE OF ALCOHOL

5(g) Late Night Premises Opening after 1.00am

Where You Have Confirmed That You Are Providing Live or Recorded Music Will The Decibel Level Exceed 85dB	YES/NO*
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When Fully Occupied Are There Likely To Be More Customers Standing Than Seated	YES/NO*
*Delete As Appropriate	

Question 6 (On-Sales only)

CHILDREN AND YOUNG PERSONS

6(a)	When Alcohol Is Being Sold For Consumption On The Premises Will Children Or Young Persons Be Allowed Entry	YES/NO*
		N/A

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

N/A

6(c) Provide Statement Regarding the **AGES** of children or Young Persons to be Allowed Entry

N/A

6(d) Provide Statement Regarding the **TIMES** During Which Children and Young Persons will be Allowed Entry

N/A

6(e) Provide Statement Regarding the **PARTS** of the Premises to Which Children and Young Persons Will Be Allowed Entry

N/A

Question 7

CAPACITY OF PREMISES

What is the Proposed Capacity of the Premises to Which This Application Relates?

Total display area - 22.33 m²

Question 8

PREMISES MANAGER (NOTE Not Required Where Application is For Grant of Provisional Premises Licence)

Personal Details

8(a) Name

Margaret-Ann Neil

8(b) Date of Birth

[REDACTED]

8(c) Contact Address

[REDACTED]

8(d) Email Address

N/A

8(e) Personal Licence

Date of Issue	Name of Licensing Board Issuing	Reference No. Of Personal Licence
28th May 2017	Clackmannanshire Council	C0729

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: *Gordon Emslie* ..* (See Note Below)

Date 3rd July 2020.....

Capacity ..Agent..... APPLICANT/AGENT (Delete as appropriate)

Telephone Number and Email Address of Signatory

..Tel [REDACTED].....

*** 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

ARTICLE 18 & 19

APPLICATIONS TO WHICH SPECIAL PROCEDURE APPLIES – FULL LICENCE HELD

- 18 – (1) An application falls within this article if each of paragraphs (2) to (4) apply in respect of it.
- (2) The application must relate to premises in respect of which at the time that application is made there is in force a relevant permission granted-
- (a) before the beginning of the transitional period, or
 - (b) following upon a provisional grant of a licence made before the beginning of that period.
- (3) The operating plan and layout plan which accompany the application under sub-paragraphs (i) and (ii) of section 20(2)(b) of the 2005 Act must show that-
- (a) it is proposed that-
 - (i) the size and capacity of the premises;
 - (ii) the general nature of the premises; and
 - (iii) any entertainment to be provided on the premises,are to be substantially the same as at the date of the application; and
 - (c) alcohol is not to be sold on the premises outside the hours authorised by the relevant permission (whether by virtue of the original grant or by virtue of section
 - (d) 57,58, 59, 60 or 64 of the 1976 Act(a)).
- (4) The application must be made by the appropriate date, determined in accordance with article 20.

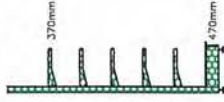
APPLICATIONS TO WHICH SPECIAL PROCEDURE APPLIES- PROVISIONAL LICENCE HELD

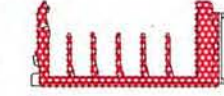
- 19 – (1) An application falls within this article if each of paragraphs (2) to (4) apply in respect of it.
- (2) The application must relate to premises in respect of which at the time the application is made there is in effect a licence under Part 11 of the 1976 Act-
- (a) which was provisionally granted prior to the beginning of the transitional period; and
 - (b) the provisional grant of which has not yet been declared final.
- (3) The operating plan and layout plan which accompany the application under sub- paragraphs (i) and (ii) of section 20(2)(b) of the 2005 Act must show that-
- (a) it is proposed that-
 - (i) the size and capacity of the premises;
 - (ii) the general nature of the premises; and
 - (iii) any entertainment to be provided on the premises,are to be substantially the same as was proposed in the application which led to the provisional grant under the 1976 Act; and
 - (b) alcohol is not to be sold on the premises outside the hours authorised by the licence provisionally granted under the 1976 Act.
- (4) The application must be made by the appropriate date, determined in accordance with article 20.

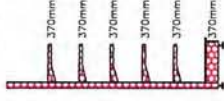
-  Toilet Area
-  Display Area of Alcohol (Inaccessible)
-  Display Area of Alcohol (Accessible)
-  Emergency Exit Sign
-  Fire Extinguisher

Total Display Area of Alcohol (Inaccessible)
 Wall Shelving:- 4.0m(w) x 1.9m(h) = 7.6m²

Total Display Area of Alcohol (Accessible)
 Wall Shelving:- 3.2m(w) x 1.9m(h)
 Wall Shelving:- 0.800m(w) x 0.600m(h)
 Promo Shelving:- 0.800m(w) x 1.5m(h)
 Boxed Corner:- 0.500m(w) x 1.9m(h)
 Beer Chiller :- 4.7m(w) x 1.3m(h)
 Total Display Area:- 16.93m²

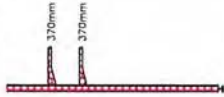
Profile 1
 Wall Shelving

 Height: 1.9m

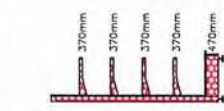
Profile 2
 Beer Chiller

 Height: 1.3m

Profile 3
 Wall Shelving

 Height: 1.9m

Profile 4
 Box Corner

 Height: 1.9m

Profile 5
 Wall Shelving

 Height: 0.6m

Profile 6
 Promo Shelving

 Height: 1.5m

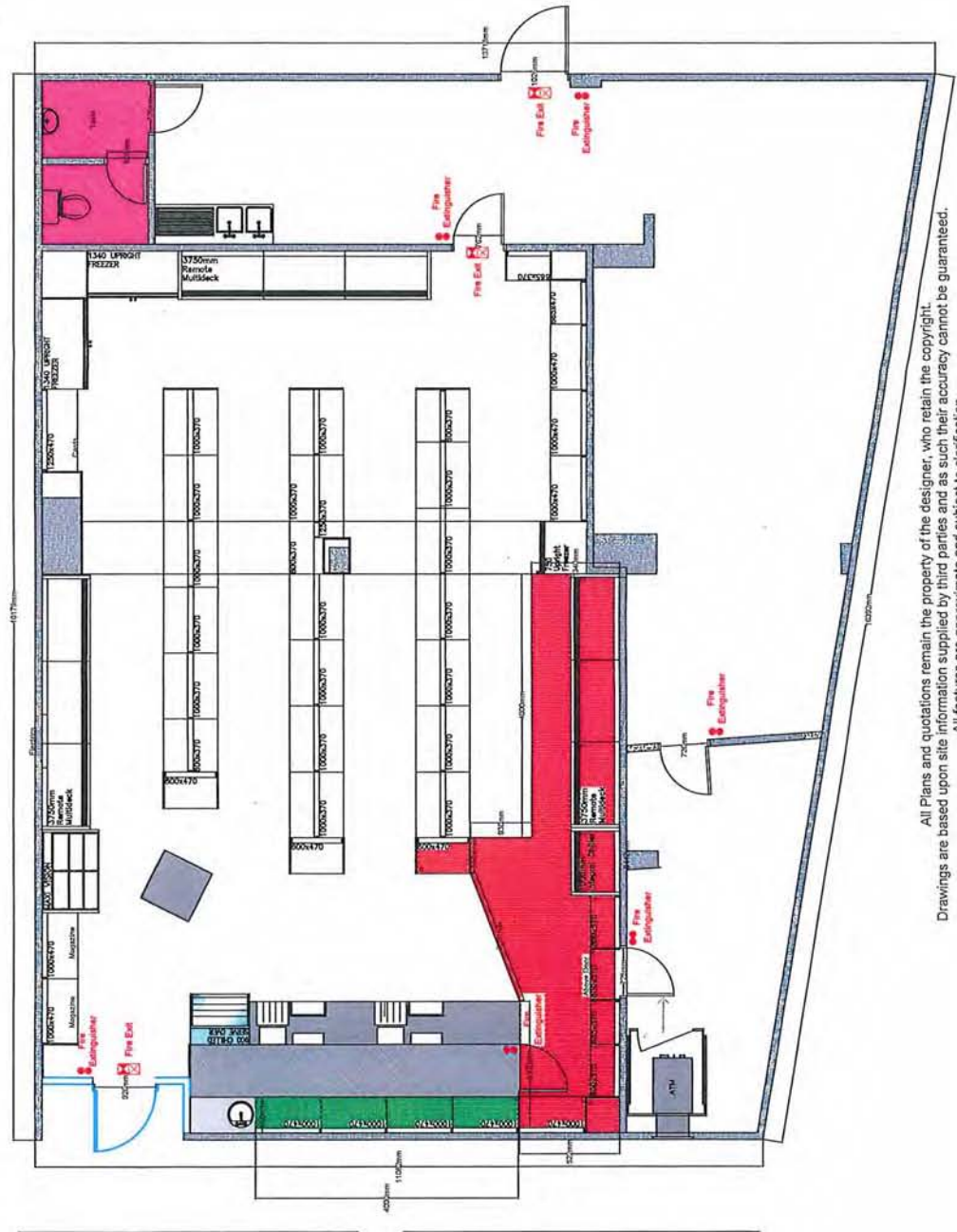
- Existing Ceiling:
- Proposed Ceiling:
- Depth of Frieze:
- Wall Column Height:
- Gondola Column Height:
- Suspended Ceiling:
- Floor Specification:
- Lighting Specification:
- Woodwork Finish:
- Shelving Colour:
- Kickplate Colour:
- Ticket Rail Colour:
- Dairy Trim Colour:
- Statwall Finish:
- Frieze Finish:



Vertex RAS Ltd
 Sir William Smith Road
 Kirkton Industrial Estate
 Abroath
 Angus
 DD11 3RD
 Telephone: 01241 876795
 Fax: 01241 878010
 www.vertexscotland.com

Project Details:
 Halder Mini Market
 Mr Amin
 2 Lochies Road
 Clackmannan
 Falkirk
 FK10 4EL

Drawing Title: Licence Drawing
 Drawing No:
 Scale: 1:75@A3
 Date:
 Drawn By: NM
 Project Rep: NM
 Revision:
 Revision By:



Lochies Road

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 Drawings are based upon site information supplied by third parties and as such their accuracy cannot be guaranteed.
 All features are approximate and subject to clarification.
 Therefore, no shop plan or shelving elevation example, may be copied or used as a basis for quotation by other persons or companies, without written permission from the proprietor of the company



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/Premlic/CC209**

Your Ref: **20/00385/LAPREM**

Date: **16 November 2020**

Subject: **Licensing (Scotland) Act, 2005, Section 20
Premises Licence Application
Haider Mini Market
2 Lochries Road, Clackmannan, FK10 2EL**

This document should be treated as a representation made by “any person” in the terms of Section 22(1) of The Licensing (Scotland) Act, 2005.

Having considered the content of the application to which this representation relates, I have the following comments to make:

1. This application is for a new premises licence for the shop premises at 2 Lochries Road, Clackmannan.
2. The premises are a single story retail mini market located in a residential area.
3. The premises were previously licensed however that licence was surrendered many years ago.
4. I have no adverse comments or concerns in relation to the application.

Paul Fair

Licensing Standards Officer.

