



APPLICATION FOR PROVISIONAL PREMISES LICENCE*

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

Heart of Caledonia distillery limited (trading as Heart of Scotland distillery),
Tower house 10 main street, Clackmanan, FK10 4JA

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.

NA

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

NA

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

Heart of Caledonia distillery limited (trading as heart of Scotland distillery),
Tower house 10 main street, Clackmanan, FK10 4JA.
Company number: SC671927

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

NA

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*

Andrew Lyndon Bailey 09/10/1983, Sutton in ashfield.
Tower house 10 main street, Clackmanan, FK10 4JA.

Gillian Leigh Bailey 05/04/1982, Stirling.
Tower house 10 main street, Clackmanan, FK10 4JA.

***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) **Yes/No***

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

- (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 proposal is for the outbuilding located to rear of property with access from main street via driveway.

This has been granted planning permission to change from the current use as garage / workshop into a micro distillery.

The approximate dimensions are 6.7m x 6.9m with the manufacture and storage of alcoholic products limited solely to one area. This is designated rectification and spirits room on the attached floor plan until such time as these sold. Access to which will be restricted via two security doors.

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*

NA


*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  ...Mr A Bailey.....* (see note below)

Date11-01-2021.....

Capacity APPLICANT (delete as appropriate)

Telephone number and email address of signatoryTelephone.....01259214595Email
Bailey1983@sky.com.....
.....

I Have Enclosed the Relevant Documents with this Application – Please Tick the Relevant Boxes	
Operating Plan	✓
Layout Plan	✓
Planning Certificate	✓
Building Standards Certificate	
Food Hygiene Certificate	

***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

<p align="center"><u>FOR USE BY THE LICENSING BOARD ONLY</u></p> <p align="center"><u>APPLICATION CHECKLIST</u></p>	
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)	

<p align="center"><u>FOR USE BY THE LICENSING BOARD ONLY</u></p> <p align="center"><u>IF APPLICATION IS FOR A PREMSIES LICENCE</u></p> <p align="center"><u>DOCUMENTS REQUIRED</u></p>	
OPERATING PLAN	
LAYOUT PLAN	
PLANNING CERTIFICATE	
BUILDING STANDARDS CERTIFICATE	
FOOD HYGINE CERTIFICATE	

<p align="center"><u>FOR USE BY THE LICENSING BOARD ONLY</u></p> <p align="center"><u>IF APPLICATION IS FOR A PROVISIONAL PREMISES LICENCE</u></p> <p align="center"><u>DOCUMENTS REQUIRED</u></p>	
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	NA	NA
TUESDAY	NA	NA
WEDNESDAY	NA	NA
THURSDAY	NA	NA
FRIDAY	NA	NA
SATURDAY	NA	NA
SUNDAY	NA	NA

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	22.00
TUESDAY	10.00	22.00
WEDNESDAY	10.00	22.00
THURSDAY	10.00	22.00
FRIDAY	10.00	22.00
SATURDAY	10.00	22.00
SUNDAY	10.00	22.00

Question 4

SEASONAL VARIATIONS

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

[illegible]

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	No	N/A	N/A
Conference Facilities	No	No	No
Restaurant Facilities	No	No	No
Bar Meals	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
Receptions Including Wedding, Funerals, Birthdays, Retirements Etc.	No	No	No
Club of Other Group Meetings etc.	No	No	No
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)	No	No	No
Live Performance – See 5(g)	No	No	No
Dance Facilities	No	No	No
	No	No	No

Theatre			
Films	No	No	No
Gaming	No	No	No
Indoor/Outdoor Sports	No	No	No
Televised Sport	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
Outdoor Drinking Facilities	No	No	No
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

* 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

Premises to be used for the manufacture of gin and vodka products from a base of NGS which will have duty paid at source. The proposal for the business is to sell via own ecommerce website, farmers markets and wholesale to local licence premises and distributors

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	NO
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When Fully Occupied Are There Likely To Be More Customers Standing Than Seated	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	NO

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

No entry of young people or general public will be permitted to premises at any time

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

No entry of young people or general public will be permitted to premises at any time

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

NA

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

NA

Question 7

CAPACITY OF PREMISES

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

Maximum capacity will be limited to 3 people at anyone time during the manufacture of NGS based products and bottling

Question 8

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

Personal Details

8(a) Name

To be confirmed on full application

8(b) Date of Birth

To be confirmed on full application

8(c) Contact Address

To be confirmed on full application

8(d) Email Address

8(e) Personal Licence

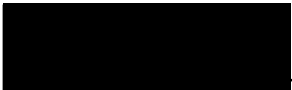
Date of Issue	Name of Licensing Board Issuing	Reference No. Of Personal Licence
TBC on full application		

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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 Operating Plan Are True to the Best of my Knowledge and Belief.

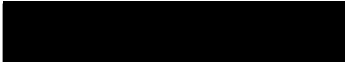
Signature  Mr A Bailey * (See Note Below)

Date 11-01-2021.....

Capacity APPLICANT (Delete as appropriate)

Telephone Number and Email Address of Signatory

...Telephone 

....Email 

.....

*** Data Protection Act 1998**

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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.

LAYOUT PLAN

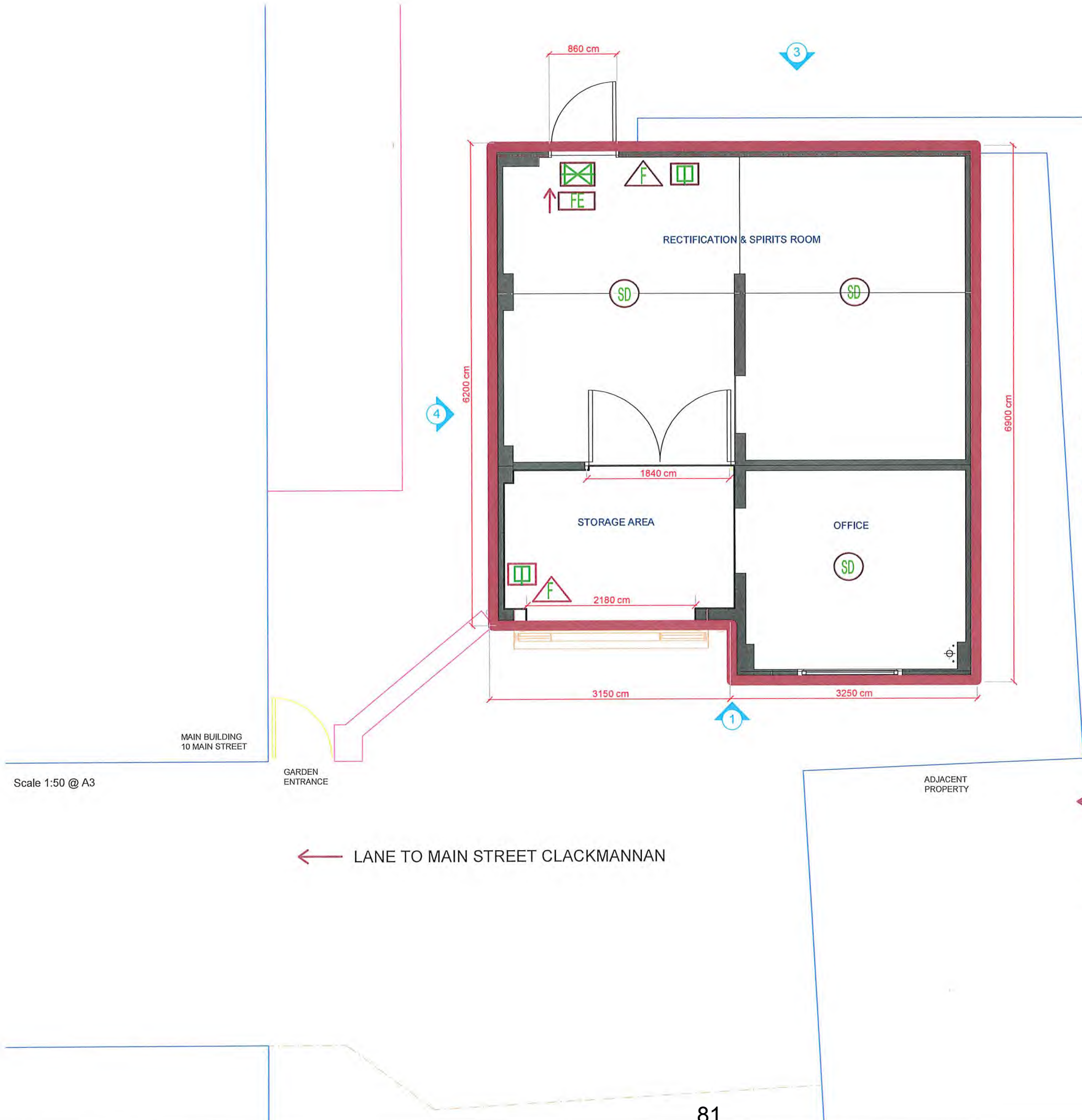
Licensing (Scotland) Act, 2005

Heart of Caledonia Distillery Ltd
Company Numer SC671927

Tower House
10 Main street, Clackmannan
Clackmannanshire, FK10 4JA

DRAWING SYMBOLS

-  SMOKE DETECTOR
-  9L AR-AFFF EXTINGUISHER + FIRE BLANKET
-  EMERGENCY LUMINAIRE
-  FIRE EXIT & DIRECTION
-  MAC CALLPOINT
-  PROPOSED LICENCED AREA BOUNDARY



Partnership and Performance

Kilncraigs, Greenside Street, Alloa, FK10 1EB
Telephone: 01259 450000



**Clackmannanshire
Council**

www.clacks.gov.uk

Comhairle Siorrachd
Chlach Mhanann

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/(N)PL – CC210**

Your Ref:

Date: **25 March 2021**

Subject: **Licensing (Scotland) Act, 2005,
Premises Licence Application
Heart of Scotland Distillery Limited
t/a Heart of Scotland Distillery,
Tower House, 10 Main Street, Clackmannan FK10 4JA.**

1. This representation relates an application for a new premises licence
2. The Premises are a converted outbuilding at the rear of a residential dwelling house in the heart of a the village of Clackmannan
3. The primary purpose of the business is the distillation and production of small batch gin, which will ultimately be sold to retail and wholesale customers
4. The area to be licensed does not include any part of the domestic residence connected to the address.
5. The premises are suitable for licensing.
6. The application seeks authority to make sales of alcohol for consumption off the premises only, and between the hours of 10 am and 10pm, the maximum hours permitted by the 2005 Act.
7. Sales of alcohol to the final consumer will only be made via an e-commerce website operated by the licence holder. Distribution to final consumers will by via a mail courier or by staff of the distillery where the delivery is local.
8. The applicant understands that deliveries are regulated and will implement all processes required to comply with the law.
9. No direct consumer sales will be made at the premises and no alcoholic products will be displayed for sale in the licensed area. Trade sales may be negotiated and completed on the premises.
10. Taking the information in paragraphs 2-9 into consideration the Licensing Board may feel that it is necessary and expedient for the purposes of the licensing objectives to impose some local conditions on the licence. The purpose of the conditions would be to ensure that the proposed business model is adhered to.

11. I have discussed the possibility of local conditions of the type listed in appendix A with the applicant who has fully engaged with the licensing team during the application process. He has indicated that conditions of this nature would cause him no operating difficulty.
12. Appendix A contains a list of suggested conditions that the Licensing Board may wish to impose on granting this application if they feel that such conditions are necessary to ensure compliance with the licensing objectives contained within The Licensing (Scotland) Act, 2005.
13. I have no licensing concerns about this application.

Paul Fair Licensing Standards Officer.

Appendix A

- 1 No retail customers will be permitted into any part of the licensed premises.
- 2 Alcohol can not be sold and supplied directly to retail customers at the premises.
- 3 No advertising material can be placed at or near the premises.
- 4 Deliveries of alcohol made by any person connected to Heart of Scotland Distillery Limited will only be made by persons who are either a personal licence holder or have trained to at least the minimum standards contained within the Licensing (Training of Staff) (Scotland) Regulations 2007. A formal record of this training should be kept on the premises and a copy of the record of training should be carried by the individual making the deliveries
- 5 The delivery book and other documentation required by section 119(1)(a) of the Licensing (Scotland) Act 2005 will be retained and kept on the licensed premises for a period of at least 1 year from the date of the most recent delivery recorded in said book.
- 6 The documents referred to in Condition No 5 above will be made available for examination to a constable or Licensing Standards Officer for the area on demand.
- 7 The disposal, handling or processing of glass containers, or of any other articles likely to cause noise nuisance is not permitted between 6pm and 8am (Monday to Friday) and between 4pm and 9am (Saturday and Sunday).



Premises licence conditions

Andrew Bailey to: June Andison, Paul Fair

14/04/2021 19:21

Good evening June / Paul

Again I must apologise for not being able to attend the licencing meeting, as I will be offshore at the time.

Whilst I am happy with the list of conditions proposed for licencing not being available for sale at the premises. I would like to contest the clause relating to advertising as this is an integral tool for any business to promote their products to the local market. This would be in keeping with the CDT ambitions for promoting the area to tourists and wouldn't without planning be anything larger than a small street stand or be a pamphlet in the notice board adjacent to the property or at the CDT building.

The plan if practical would be to partner for one of the two local pubs to sell product if required either for on sales or off sales dependant on their licence as this could also drive custom for their business as such I do see the ability to be able to advertise in the local vicinity of the property as a major benefit for the community as the whole and would like this omitted if at all possible.

Kind regards

Andrew Bailey
Director at the Heart of Scotland distillery



Sent from Mail for Windows 10