

* required information

Section 1 of 8

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Penny Petroleum (Scotland) Ltd

* Family name

You must enter a valid e-mail address

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is the applicant's business registered in the UK with Companies House?

☒ Yes

☐ No

* Registration number

07648893

* Business name

Penny Petroleum (Scotland) Limited

If the applicant's business is registered, use its registered name.

* VAT number

Not sure

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

* Legal status

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

Agent Business

* Is your business registered in the UK with Companies House? ☒ Yes ☐ No

* Registration number

* Business name

If your business is registered, use its registered name.

* VAT number

Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

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FURTHER DETAILS ABOUT THE APPLICANT

* Are you applying as an individual (includes sole traders)?

☐ Yes ☒ No

* Are you applying as a members' club?

☐ Yes ☒ No

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CONNECTED PEOPLE

You must provide details of all COMPANY DIRECTORS and the SECRETARY (if the applicant is a company), all PARTNERS (if it is a partnership), OFFICE BEARERS (if it is a club or association), all OWNERS of the business or premises and all MANAGERS of the business or organisation. Check for local guidance notes and conditions which may clarify exact requirements.

* Are there any such people for whom you need to provide details?

☒ Yes ☐ No

Provide The Following Details About Each One Of Them

* Position

E.g. director, partner, day-to-day manager.

Full Name

* First name

* Family name

Former name(s)

If currently or previously known by any other name(s), you must record them here.

Continued from previous page...

Home Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Contact Details

E-mail

* Main telephone number

Other telephone number

Further Details

* Date of birth

* Place of birth

Provide The Following Details About Each One Of Them

* Position

Director

E.g. director, partner, day-to-day manager.

Full Name

* First name

David S

* Family name

Penny

Former name(s)

If currently or previously known by any other name(s), you must record them here.

Home Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

Contact Details

You must enter a valid e-mail address

E-mail

* Telephone number

Other telephone number

Further Details

* Date of birth

* Place of birth

England

Remove this person

Add another person

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PREMISES TO BE LICENSED

* Name of premises/
trading name

Auld Brigg Filling Station

Premises Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

Auld Brigg Filling Station

* Street

Auld Brigg Road

District

* City or town

Alloa

County or administrative area

* Postcode

FK9 5QB

* Country

United Kingdom

Continued from previous page...

Contact Details

Are the contact details the same as (or similar to) those given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes ☐ No

You must enter a valid email address

E-mail

* Main telephone number

Other telephone number

Description

* Provide a description of the premises

Petrol Station with additional retail (Groceries/derv/petrol and diesel)

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APPLICATION DETAILS

* Type of application:

- ☐ Premises licence
☒ Provisional premises licence

You must submit the following documents with this application:

- Operating plan
- Layout plan
- Provisional planning certificate

Previous Applications

* Has the prospective licence holder, or any connected person, previously been refused a premises licence for the same premises?

- ☐ Yes ☒ No

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CONVICTIONS

* Has the prospective licence holder, or any connected person, ever been convicted of a relevant or foreign offence?

- ☐ Yes ☒ No

The definition of a "relevant or foreign offence" is set out in The Licensing (Relevant Offences) (Scotland) Regulations 2007. A conviction is to be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974 (or equivalent legislation).

Applicants 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 between making the application and the determination of the application.

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ADDITIONAL DETAILS

Continued from previous page...

Provide any additional information which is required or relevant to your application (check for local guidance notes and conditions which may provide details of specific requirements in your area)

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Fees are mostly based on rateable value. You can find rateable values at <http://www.saa.gov.uk/>

Clackmannanshire Licensing Board charges the maximum fees allowed within each category. The provisional premises licence application fee of £200 is deducted from the confirmation application fee based on the appropriate category.

Category 1 (Premises not entered on the valuation roll or have a nil valuation. Premises whose main function is to provide accommodation that are not open to the public other than for the provision of accommodation, and any alcohol sold is to be consumed on the premises by guests being accommodated there. Visitor Centres where sale is incidental to the centre and alcohol not consumed on the premises. Registered clubs. Premises being constructed/converted.) £200.00

Category 2 - Rateable value: £1 to £11,500 £800.00

Category 3 - Rateable value: £11,501 to 35,000 £1100.00

Category 4 - Rateable value: £35,001 to £70,000 £1300.00

Category 5 - Rateable value: £70,001 to £140,000 £1700.00

Category 6 - Rateable value: above £140,000 £2000.00

* Fee amount (£) 200.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name HOBERT HOUSE
Street 80 HANOVER STREET
District
City or town EDINBURGH
County or administrative area
Postcode EH2 1EL
Country United Kingdom

DECLARATION

* The contents of this application are true to the best of my knowledge and belief.

Continued from previous page...



Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

CAROLINE LOUDON

* Capacity

AGENT

Date (dd/mm/yyyy)

18/02/2020

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence-2/clackmannanshire/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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>	YES
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	NO
<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>	N/A	N/A
<i>Tuesday</i>	N/A	N/A
<i>Wednesday</i>	N/A	N/A
<i>Thursday</i>	N/A	N/A
<i>Friday</i>	N/A	N/A
<i>Saturday</i>	N/A	N/A
<i>Sunday</i>	N/A	N/A

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>	10.00	22.00
<i>Tuesday</i>	10.00	22.00
<i>Wednesday</i>	10.00	22.00
<i>Thursday</i>	10.00	22.00
<i>Friday</i>	10.00	22.00
<i>Saturday</i>	10.00	22.00
<i>Sunday</i>	10.00	22.00

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	NO
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**If YES – provide details*

N/A

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	COL. 3	COL. 4
5(a) 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
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 Weddings, funerals, birthdays, retirements etc.	NO	NO	NO
Club or other group meetings etc.	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
Recorded music – see 5(g)	YES	YES	YES
Live performances – see 5(g)	NO	NO	NO
Dance facilities	NO	NO	NO
Theatre	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) <i>Activity</i>	<i>Please confirm</i> 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>	NO	NO	NO
5(e) <i>Activity</i>	<i>Please confirm</i> 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.

Background music will be played at all times that the premises are open

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 primary activity undertaken at the aforementioned premises is the retail sale of the following commodities to the general public:

Groceries, confectionery, bread and cakes, crisps and snacks, soft drinks, non foods, toiletries, frozen foods, chilled foods, fruit and veg, newspapers and magazines, tobacco and cigarettes, wines and spirits and other fermented distilled and spirituous liquors

The applicant operates a national lottery within the outlet and also operates a pay point bill payment service.

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?	N/A
When fully occupied, are there likely to be more customers standing than seated?	N/A
*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
	*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

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?

17.925m2

Question 8

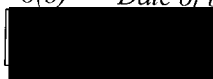
PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)

Personal details

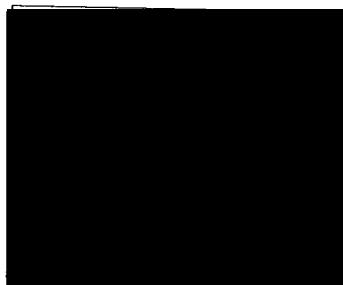
8(a) *Name*

Patricia Doolan

8(b) *Date of birth*



8(c) *Contact address*



8(d) *Email address*

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
01/09/2019	Fife Licensing Board	FI 1550

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 8 February 2021

Capacity-APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

Tel: 0333 006 1405

Email: Caroline.loudon@TLTsolicitors.com

*** 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.



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/NPL/REP/CC211**

Your Ref:

Date: **2 April 2021**

Subject: **Licensing (Scotland) Act, 2005. Section 29
Application for a Premises Licence
Penny Petroleum (Scotland) Limited,
Auld Brigg Filling Station, Alloa FK10 2PF**

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 to be determined is an application for a new premises licence.
3. As the Licensing Board will be aware the licensing (Scotland) Act 2005, defines premises that are used as a garage as “excluded premises”. I have included in appendix A the extract from the 2005 Act, of the relevant section 123. I am certain that full legal guidance on the subject of “excluded premises” will be provided by the Clerk to the Licensing Board
4. To assist the Licensing Board, I have taken steps to ascertain whether or not this application relates to premises that are exempt from the definition of “excluded Premises by virtue of Section 123(5), of the 2005 Act.
5. Section 123(5) makes it clear that premises are not “excluded premises” if persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principal source of road fuels or groceries.
6. In my research I concluded that there are 3 parts to the test contained within sub-section 5 that need to be explored.
 - a. What is the extent of the “locality” in which the premises are situated and are there residents in that locality?
 - b. Are any of these persons “reliant to a significant extent” on the premises as a “principal source of road fuels”?

- c. Are any of these persons “reliant to a significant extent” on the premises as a “principal source of groceries”
7. Having considered the area I concluded that a significant part of the town of Tullibody could be considered as in the “locality” of the applicant premises and that there are persons resident in that locality. I acknowledge that the final decision on what is in the “locality” is a matter for the Licensing Board to determine.
 8. Should the Board agree with my conclusion on “locality”, then I can confirm that my restricted/limited and unscientific research confirmed that persons resident in the locality were indeed reliant on The Auld Brigg filling station to a significant extent as the principal source of road fuels.
 9. I was unable to conclude that any person resident in that locality was reliant to any extent on the premises as a “principal” source of groceries.
 10. My research consisted of four separate relatively short site visits to the premises at different times of the day and on different days of the week. During these visits I interviewed individuals who were drawing fuel. I noted post code information, asked a number of simple questions relating to their grocery shopping habits and regular fuel purchases.
 11. I spoke with a total of 29 people, 7 of which were not resident in the locality, and as such I asked them no further questions
 12. Of the 22 persons who were resident in the locality 15 stated that this was the only garage they had bought fuel from in the last year, and that they were reliant on it as the principal source (if not the only source) of fuel for their car.
 13. Of the 15, 3 persons stated they had never purchased fuel anywhere else since the garage opened.
 14. The other 7 all said they mostly purchased their fuel from this garage, but had purchased fuel elsewhere.
 15. None of the 22 indicated that they were in anyway reliant on the premises as a “principal” source of groceries, citing the selection of nearby supermarkets as their favoured option.
 16. In conclusion I believe that the premises should not be considered to be “excluded Premises” by virtue of the Licensing (Scotland) Act, 2005, section 123(5).
 17. I have no concerns about the application and if granted I would suggest that there is no reason connected to the licensing objectives to apply any additional local conditions.

Paul Fair

Licensing Standards Officer.

123 Excluded premises

(1) No premises licence or occasional licence has effect to authorise the sale of alcohol on excluded premises.

(2) For the purposes of this Act, “excluded premises” means—

(a) premises on land—

- (i) acquired or appropriated by a special roads authority, and
- (ii) for the time being used, for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class 1 (with or without other classes), and

(b) subject to subsection (5), premises used as a garage or which form part of premises which are so used.

(3) For the purposes of subsection (2)(a)—

(a) “special road” and “special roads authority” have the same meanings as in the Roads (Scotland) Act 1984 (c. 54), and

(b) “class 1” means class 1 in Schedule 3 to that Act, as varied from time to time by an order under section 8 of that Act, but, if that Schedule is amended by such an order so as to add to it a further class of traffic, the order may adapt the reference in this section to traffic of class 1 so as to take account of the additional class.

(4) or the purposes of subsection (2)(b), premises are used as a garage if they are used for one or more of the following—

- (a) the sale by retail of petrol or derv,
- (b) the sale of motor vehicles, or
- (c) the maintenance of motor vehicles.

(5) Despite subsection (2)(b), premises used for the sale by retail of petrol or derv or which form part of premises so used are not excluded premises if persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principal source of—

(a) petrol or derv, or

(b) groceries (where the premises are, or are to be, used also for the sale by retail of groceries).

(6) The Scottish Ministers may by order amend the definition of “excluded premises” in subsection (2) so as to include or exclude premises of such description as may be specified in the order.