



## NOTICE OF MEETING

*27 September 2021*

**A MEETING of the CLACKMANNANSHIRE LICENSING BOARD will be held Via MS Teams, on TUESDAY 5 OCTOBER 2021 at 9.30 am.**



**RICHARD THOMPSON  
Clerk to the Clackmannanshire Licensing Board**

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2. Declarations of Interest	--
Elected Members are reminded of their obligation to declare any financial or non-financial interest which they may have in any item on this agenda in accordance with the Councillors' Code of Conduct. A Declaration of Interest Form should be completed and passed to the Committee Services Officer.	
3. Confirm minutes (Copies herewith):	
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b. Clackmannanshire Licensing Board Sub Committee 22/07/21	11
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## Clackmannanshire Licensing Board – Board Members 9 (Quorum 5)

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### Councillors

### Wards

Councillor	Kenneth Earle (Convenor)	4	Clackmannanshire South	LAB
Councillor	Mike Watson (Vice Convenor)	3	Clackmannanshire Central	CONS
Councillor	Martha Benny	2	Clackmannanshire North	CONS
Councillor	Dave Clark	2	Clackmannanshire North	LAB
Councillor	Helen Lewis	2	Clackmannanshire North	SNP
Councillor	George Matchett, OPM	1	Clackmannanshire West	LAB
Councillor	Tina Murphy	1	Clackmannanshire West	SNP
Councillor	Les Sharp	1	Clackmannanshire West	SNP

Vacancy

The quorum for the Board by virtue of Schedule 1 paragraph 12(1) of the Licensing (Scotland) Act 2005 is 5 members





**MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held via Video Conference (MS Teams), on TUESDAY 13 JULY 2021 at 10:00 am.**

**PRESENT**

Councillor Kenneth Earle (Chair)  
Councillor Martha Benny  
Councillor Dave Clark  
Councillor Helen Lewis  
Councillor Les Sharp  
Councillor Mike Watson

**IN ATTENDANCE**

June Andison, Licensing Administrator  
Paul Fair, Licensing Standards Officer  
Lindsay Thomson, Senior Service Manager, Partnership & Performance (Clerk to the Board)  
Gillian White, Committee Services

**1.0 APOLOGIES**

Apologies were received from Councillor Tina Murphy and Councillor George Matchett, QPM.

**2.0 DECLARATIONS OF INTEREST**

None.

**3.0 MINUTES OF MEETINGS**

**(a) Clackmannanshire Licensing Board Sub Committee - 13 MAY 2021**

The minutes of the meeting of the Clackmannanshire Licensing Board Sub Committee held on Thursday 13 May 2021 (carried forward from Clackmannanshire Licensing Board 25/05/21) were submitted for approval.

**Decision**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Thursday 13 May 2021 were agreed as a correct record and signed by the Chair.

**(b) Clackmannanshire Licensing Board - 25 MAY 2021**

The minutes of the meeting of the Clackmannanshire Licensing Board Sub Committee held on Tuesday 25 May 2021 were submitted for approval.

**Decision**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 25 May 2021 were agreed as a correct record and signed by the Chair.

### **(c) Clackmannanshire Licensing Board - 10 JUNE 2021**

The minutes of the meeting of the Clackmannanshire Licensing Board Sub Committee held on Thursday 10 June 2021 were submitted for approval.

#### **Decision**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Thursday 10 June 2021 were agreed as a correct record and signed by the Chair.

#### **4.0 LICENSING (SCOTLAND) ACT 2005 – VARIATION OF LICENCE (NON-MINOR)**

##### **(i) Application for Variation of Licence (Non Minor) – Coalsnaughton Burns Club**

As representatives from Environmental Health had difficulty joining the meeting, the Chair advised he would move this item to the last item of business to allow the issue to be resolved.

#### **5.0 LICENSING (SCOTLAND) ACT 2005 – EXTENDED HOURS**

##### **(ii) Application for Extended Hours – Volunteer Arms**

**Premises:** Volunteer Arms, 132 High Street, Tillicoultry, FK13 6DU  
**Applicant:** John Ford Black, 132 High Street, Tillicoultry, FK13 6DU

#### **Attending**

Mr John Ford Black, Applicant  
Mr Paul Fair, Licensing Standards Officer

The Board heard representation from Mr Black, Applicant and from the Licensing Standards Officer, Mr Fair. There were no objections/representations received from Police Scotland.

#### **Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for extended hours

Moved by Councillor Kenneth Earle. Seconded by Councillor Martha Benny.

#### **Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the application for extended hours.

#### **Action**

Clerk to the Board

#### **6.0 LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR OCCASIONAL LICENCES**

(i) Premises: Braehead Golf Club, Alloa, FK10 2NT  
Applicant: Braehead Golf Club, Alloa, FK10 2NT  
Date: 17 July 2021  
Event: Open Competition

#### **Attending**

Mr Paul Fair, Licensing Standards Officer

The Board heard representation from the Licensing Standards Officer, Mr Fair. The Board had the opportunity to put questions to Mr Fair. There were no objections/representations received from Police Scotland.

### **Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for an occasional licence on 17 July, subject to the conditions set out in Appendix A (page 57) of the Licensing Standards Officer's Report.

Moved by Councillor Kenneth Earle. Seconded by Councillor Les Sharp.

### **Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Board granted the application for an occasional licence on 17 July 2021, subject to the conditions set out in Appendix A (page 57) of the Licensing Standards Officer's Report, namely:

1. All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in non glass and unbreakable drinking vessels.
2. No glass containers will be used for any purpose at either the mobile or static bar.
3. All sales and delivery of alcohol will be made by staff trained to the minimum standard described in the Licensing (Training of Staff)(Scotland) Regulations 2007.
4. The Licence holder must ensure that all staff carry with them at all times during the event their training records relating to condition No 3.
5. A copy of the occasional licence will be displayed at any static bar and carried on any vehicle used as a mobile bar.
6. A copy of the conditions of the licence will be clearly displayed at the point where players enter the course, at each static bar and on each vehicle used as a mobile bar.
7. The licence holder must prepare a management plan detailing the manner in which alcohol sales will be managed at the event. This plan should be prepared to the satisfaction of the Licensing Standards Officer (LSO), and the content of this plan should also include contact details of the Licence holder, Personal Licence holder responsible for authorising sales of alcohol, and the names of all staff authorised to make sales.
8. Any management plan required by Condition No 7 above should be submitted to the LSO for scrutiny at least 72 hours prior to the event.
9. All staff used for the sale and service of alcohol at the event should be briefed in relation to the conditions of the licence and the content of the management plan, and be required to sign a statement of understanding contained within the plan. This should be countersigned by a representative of the licence holder.
10. The Licence holder must ensure that the signed copy of the management plan (referred to in Condition No 9) is available for inspection by a constable of Police Scotland or by the LSO for Clackmannanshire at all times during the event, and is thereafter retained and available for inspection at Braehead Golf Club for a period of at least 6 months.
11. Alcohol will only be sold to participants in the competition.

**Action**

Clerk to the Board

- (ii) Premises: Braehead Golf Club, Alloa, FK10 2NT  
Applicant: Braehead Golf Club, Alloa, FK10 2NT  
Date: 22 August 2021  
Event: Open Competition

**Attending**

Mr Paul Fair, Licensing Standards Officer

The Board heard representation from the Licensing Standards Officer, Mr Fair. The Board had the opportunity to put questions to Mr Fair. There were no objections/representations received from Police Scotland.

**Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for an occasional licence on 17 July, subject to the conditions set out in Appendix A (page 66) of the Licensing Standards Officer's Report.

Moved by Councillor Kenneth Earle. Seconded by Councillor Les Sharp.

**Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Board granted the application for an occasional licence on 17 July 2021, subject to the conditions set out in Appendix A (page 66) of the Licensing Standards Officer's Report, namely:

1. All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in non glass and unbreakable drinking vessels.
2. No glass containers will be used for any purpose at either the mobile or static bar.
3. All sales and delivery of alcohol will be made by staff trained to the minimum standard described in the Licensing (Training of Staff)(Scotland) Regulations 2007.
4. The Licence holder must ensure that all staff carry with them at all times during the event their training records relating to condition No 3.
5. A copy of the occasional licence will be displayed at any static bar and carried on any vehicle used as a mobile bar.
6. A copy of the conditions of the licence will be clearly displayed at the point where players enter the course, at each static bar and on each vehicle used as a mobile bar.
7. The licence holder must prepare a management plan detailing the manner in which alcohol sales will be managed at the event. This plan should be prepared to the satisfaction of the Licensing Standards Officer (LSO), and the content of this plan should also include contact details of the Licence holder, Personal Licence holder responsible for authorising sales of alcohol, and the names of all staff authorised to make sales.
8. Any management plan required by Condition No 7 above should be submitted to the LSO for scrutiny at least 72 hours prior to the event.



9. All staff used for the sale and service of alcohol at the event should be briefed in relation to the conditions of the licence and the content of the management plan, and be required to sign a statement of understanding contained within the plan. This should be countersigned by a representative of the licence holder.
10. The Licence holder must ensure that the signed copy of the management plan (referred to in Condition No 9) is available for inspection by a constable of Police Scotland or by the LSO for Clackmannanshire at all times during the event, and is thereafter retained and available for inspection at Braehead Golf Club for a period of at least 6 months.
11. Alcohol will only be sold to participants in the competition.

#### **Action**

Clerk to the Board

The Chair returned to Item 4(i) on the Agenda. As all parties were now in attendance, the Chair agreed to proceed with the item of business.

#### **4.0 LICENSING (SCOTLAND) ACT 2005 – VARIATION OF LICENCE (NON-MINOR)**

##### **(i) Hearing to consider Application for Variation of Licence (Non Minor) – Coalsnaughton Burns Club**

**Premises:** Coalsnaughton Burns Club, 2 Main Street, Coalsnaughton, FK13 6JP  
**Applicant:** Coalsnaughton Burns Club, 2 Main Street, Coalsnaughton, FK13 6JP

#### **Attending**

Mr Scott Doyle, Coalsnaughton Burns Club, Applicant

Mr Ralph Joss, Objector

Mr David Levitus, Bridging Loans Limited, Objector

Ms Maggie McWhinnie and Mr Andrew Crawford, Environmental Health, Clackmannanshire Council, consultee making representation

Mr Paul Fair, Licensing Standards Officer

The Board heard representations from all parties attending. There were no representations received from Police Scotland. The Board had the opportunity to put questions to all parties.

The Chair adjourned the Board to at 11.10 am. When the meeting resumed at 11.30 am, 6 members were in attendance.

#### **Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Board refuse the application for Variation of Licence (Non Minor) on the grounds that it is contrary to the licensing objective of “preventing public nuisance”.

Moved by Councillor Les Sharp. Seconded by Councillor Martha Benny.

#### **Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Board **REFUSED** the application for Variation of Licence (Non Minor) on the grounds that it is contrary to the licensing objective of “preventing public nuisance”.

#### **Action**

Clerk to the Board

Ends: 11.40 am





**MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD SUB  
COMMITTEE held via MS TEAMS, on THURSDAY 22 JULY 2021 2021 at 9.30 AM.**

**PRESENT**

Councillor Martha Benny (Chair)  
Councillor Dave Clark  
Councillor Helen Lewis

**IN ATTENDANCE**

June Andison, Licensing Administrator  
Paul Fair, Licensing Standards Officer  
Lindsay Thomson, Senior Service Manager, Partnership & Performance (Clerk to the Board)  
Melanie Moore, Committee Services

In the absence of both the Convenor and Vice Convenor, the Sub Committee appointed Councillor Benny as Chair of the meeting.

**1.0 APOLOGIES**

None.

**2.0 DECLARATIONS OF INTEREST**

None.

**3.0 LICENSING (SCOTLAND) ACT 2005 – OCCASIONAL LICENCE APPLICATIONS**

**(i) Applications for Occasional Licences:**

19 July – 1 August 2021, 2-15 August 2021, 16-29 August 2021

**Applicant:** David White,  
**Premises:** No 5 Inn, Brook Street, Alva, FK12 5JL  
**Event:** Provision of Outdoor Drinking Area

**Attending**

Paul Fair, Licensing Standards Officer  
The applicant was not in attendance

Police Scotland had no objections and did not attend.

The Board heard representation from the Licensing Standards Officer and had the opportunity to put questions to him.

**Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Sub Committee of the Board grants the applications for three occasional licences on 19 July – 1 August 2021, 2-15 August 2021 and 16-29 August 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report.

Moved by Councillor Dave Clark. Seconded by Councillor Helen Lewis.

## Decision

Having considered all of the information presented to it and having had opportunity for questions, the Sub Committee of the Board granted the applications for three occasional licences on 19 July – 1 August 2021, 2-15 August 2021, 16-29 August 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report, namely

1. Alcohol sold for consumption in the licensed outdoor area will be ordered from, and delivered to the table, by staff employed at the premises.
2. The outdoor area must be clearly separated from any neighbouring unlicensed area by a physical barrier such as a fence or series of posts and rope or tape of at least 1 metre in height.
3. The outside area can only be occupied by persons seated at a table.
4. The licence holder must ensure that alcohol is only consumed by persons seated at a table
5. All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in or decanted into plastic or polycarbonate drinking vessels.
6. No entertainment, live or recorded music or performances will be permitted in any outdoor area.
7. Only alcohol sold by The No5 Inn, Alva may be consumed in the licensed area.

## Action

Clerk to the Board

### (ii) Applications for Occasional Licences:

6-20 August 2021, 21 August – 3 September 2021, 4-17 September 2021

**Applicant:** Bramley Eccles,  
**Premises:** Royal Arms, 2 High Street, Tillicoultry, FK13 6AE  
**Event:** Provision of Outdoor Drinking Area

## Attending

Paul Fair, Licensing Standards Officer  
Bramley Eccles (Applicant)

Police Scotland had no objections and did not attend.

The Board heard representation from the Applicant and the Licensing Standards Officer and had the opportunity to put questions to them.

## Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Sub Committee of the Board grants the applications for three occasional licences on 6-20 August 2021, 21 August – 3 September 2021, 4-17 September 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report.

Moved by Councillor Dave Clark. Seconded by Councillor Helen Lewis.

## **Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Sub Committee of the Board granted the applications for three occasional licences on 6-20 August 2021, 21 August – 3 September 2021, 4-17 September 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report, namely

1. Alcohol sold for consumption in the licensed outdoor area will be ordered from, and delivered to the table, by staff employed at the premises.
2. The outdoor area must be clearly separated from any neighbouring unlicensed area by a physical barrier such as a fence or series of posts and rope or tape of at least 1 metre in height.
3. The outside area can only be occupied by persons seated at a table.
4. The licence holder must ensure that alcohol is only consumed by persons seated at a table
5. All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in or decanted into plastic or polycarbonate drinking vessels.
6. No entertainment, live or recorded music or performances will be permitted in any outdoor area. The Licence holder must take steps to ensure that patrons comply with this condition.

## **Action**

Clerk to the Board

Ends 10:00 am





**MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD SUB  
COMMITTEE held via MS TEAMS, on WEDNESDAY 25 AUGUST 2021 at 9.30 AM.**

**PRESENT**

Councillor Kenneth Earle (Chair)  
Councillor Martha Benny  
Councillor Les Sharp

**IN ATTENDANCE**

June Andison, Licensing Administrator  
Paul Fair, Licensing Standards Officer  
Richard Thompson, Solicitor, Partnership & Performance (Clerk to the Board)  
Melanie Moore, Committee Services

**1.0 APOLOGIES**

None.

**2.0 DECLARATIONS OF INTEREST**

None.

**3.0 LICENSING (SCOTLAND) ACT 2005 – OCCASIONAL LICENCE APPLICATIONS**

**(i) Applications for Occasional Licences:**

**1. Application for Occasional Licence – 13 to 26 August 2021**

**Applicant:** Caledonian Heritable Ltd, c/o McGregor Thomson Solicitors,  
**Premises:** Holly Tree Inn, Main Street East, Menstrie, FK11 7BJ  
**Event:** Provision of Outdoor Drinking Area

**Attending**

Paul Fair, Licensing Standards Officer  
Andrew Thomson, Applicant's Representative

Police Scotland had no objections and did not attend.

The Licensing Standards officer noted that on part 3 of the application it should say "West of the building" and not "East"

The Board heard representation from the Licensing Standards Officer and the applicant's representative and had the opportunity to put questions to both.

**Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Sub Committee of the Board grants the application for an occasional licence for 13 to 26 August 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report.

Moved by Councillor Les Sharp. Seconded by Councillor Martha Benny.

## Decision

Having considered all of the information presented to it and having had opportunity for questions, the Sub Committee of the Board granted the application for an occasional licence for 13 to 26 August 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report, namely

1. Alcohol sold for consumption in the licensed outdoor area will be ordered from, and delivered to the table, by staff employed at the Holly Tree Inn.
2. The outdoor area must be clearly separated from any neighbouring unlicensed area by a physical barrier such as a fence or series of posts and rope or tape of at least 1 metre in height.
3. The outside area can only be occupied by persons seated at a table.
4. The licence holder must ensure that alcohol is only consumed by persons seated at a table.
5. All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in or decanted into plastic or polycarbonate drinking vessels.
6. No entertainment, live or recorded music or performances will be permitted in any outdoor area.

## Action

Clerk to the Board

### 2. Application for Occasional Licence – 27 August to 9 September 2021

**Applicant:** Caledonian Heritable Ltd, c/o McGregor Thomson Solicitors,  
**Premises:** Holly Tree Inn, Main Street East, Menstrie, FK11 7BJ  
**Event:** Provision of Outdoor Drinking Area

## Attending

Paul Fair, Licensing Standards Officer  
Andrew Thomson, Applicant's Representative

Police Scotland had no objections and did not attend.

The Board heard representation from the Licensing Standards Officer and the applicant's representative and had the opportunity to put questions to both.

## Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Sub Committee of the Board grants the application for an occasional licence for 27 August to 9 September 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report.

Moved by Councillor Martha Benny. Seconded by Councillor Les Sharp.



## Decision

Having considered all of the information presented to it and having had opportunity for questions, the Sub Committee of the Board granted the application for an occasional licence for 27 August to 9 September 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report, namely

1. Alcohol sold for consumption in the licensed outdoor area will be ordered from, and delivered to the table, by staff employed at the Holly Tree Inn.
2. The outdoor area must be clearly separated from any neighbouring unlicensed area by a physical barrier such as a fence or series of posts and rope or tape of at least 1 metre in height.
3. The outside area can only be occupied by persons seated at a table.
4. The licence holder must ensure that alcohol is only consumed by persons seated at a table.
5. All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in or decanted into plastic or polycarbonate drinking vessels.
6. No entertainment, live or recorded music or performances will be permitted in any outdoor area.

## Action

Clerk to the Board

### 3. Application for Occasional Licence – 10 to 23 September 2021

**Applicant:** Caledonian Heritable Ltd, c/o McGregor Thomson Solicitors,  
**Premises:** Holly Tree Inn, Main Street East, Menstrie, FK11 7BJ  
**Event:** Provision of Outdoor Drinking Area

## Attending

Paul Fair, Licensing Standards Officer  
Andrew Thomson, Applicant's Representative

Police Scotland had no objections and did not attend.

The Board heard representation from the Licensing Standards Officer and the applicant's representative and had the opportunity to put questions to both.

## Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Sub Committee of the Board grants the application for an occasional licence for 10 to 23 September 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report.

Moved by Councillor Les Sharp. Seconded by Councillor Martha Benny.

## Decision

Having considered all of the information presented to it and having had opportunity for questions, the Sub Committee of the Board granted the application for an occasional licence for 10 to 23 September 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report, namely

1. Alcohol sold for consumption in the licensed outdoor area will be ordered from, and delivered to the table, by staff employed at the Holly Tree Inn.
2. The outdoor area must be clearly separated from any neighbouring unlicensed area by a physical barrier such as a fence or series of posts and rope or tape of at least 1 metre in height.
3. The outside area can only be occupied by persons seated at a table.
4. The licence holder must ensure that alcohol is only consumed by persons seated at a table.
5. All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in or decanted into plastic or polycarbonate drinking vessels.
6. No entertainment, live or recorded music or performances will be permitted in any outdoor area.

## Action

Clerk to the Board

### 4. Application for Occasional Licence – 24 September to 7 October 2021

**Applicant:** Caledonian Heritable Ltd, c/o McGregor Thomson Solicitors,  
**Premises:** Holly Tree Inn, Main Street East, Menstrie, FK11 7BJ  
**Event:** Provision of Outdoor Drinking Area

## Attending

Paul Fair, Licensing Standards Officer  
Andrew Thomson, Applicant's Representative

Police Scotland had no objections and did not attend.

The Board heard representation from the Licensing Standards Officer and the applicant's representative and had the opportunity to put questions to both.

## Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Sub Committee of the Board grants the application for an occasional licence for 24 September to 7 October 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report.

Moved by Councillor Les Sharp. Seconded by Councillor Martha Benny.

## **Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Sub Committee of the Board granted the application for an occasional licence for 24 September to 7 October 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report, namely

1. Alcohol sold for consumption in the licensed outdoor area will be ordered from, and delivered to the table, by staff employed at the Holly Tree Inn.
2. The outdoor area must be clearly separated from any neighbouring unlicensed area by a physical barrier such as a fence or series of posts and rope or tape of at least 1 metre in height.
3. The outside area can only be occupied by persons seated at a table.
4. The licence holder must ensure that alcohol is only consumed by persons seated at a table.
5. All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in or decanted into plastic or polycarbonate drinking vessels.
6. No entertainment, live or recorded music or performances will be permitted in any outdoor area.

## **Action**

Clerk to the Board

## **(ii) Applications for Occasional Licences:**

**Applicant:** David White  
**Premises:** No 5 Inn, Brook Street, Alva, FK2 5JL  
**Event:** Provision of Outdoor Drinking Area

## **Attending**

Paul Fair, Licensing Standards Officer

The applicant was not in attendance

Police Scotland had no objections and did not attend.

The Board heard representation from the Licensing Standards Officer and had the opportunity to put questions to him.

## **1. Application of Occasional Licence – 30 August – 12 September 2021**

## **Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Sub Committee of the Board grants the applications for an occasional licence on 30 August to 12 September 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report.

Moved by Councillor Les Sharp. Seconded by Councillor Martha Benny.

## **Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Sub Committee of the Board granted the applications for an occasional licence on 30 August to 12 September 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report, namely

1. Alcohol sold for consumption in the licensed outdoor area will be ordered from, and delivered to the table, by staff employed at the premises.
2. The outdoor area must be clearly separated from any neighbouring unlicensed area by a physical barrier such as a fence or series of posts and rope or tape of at least 1 metre in height.
3. The outside area can only be occupied by persons seated at a table.
4. The licence holder must ensure that alcohol is only consumed by persons seated at a table
5. All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in or decanted into plastic or polycarbonate drinking vessels.
6. No entertainment, live or recorded music or performances will be permitted in any outdoor area. The Licence holder must take steps to ensure that patrons comply with this condition.
7. Only alcohol sold by the The No 5 Inn, Alva may be consumed in the licensed area.

## **Action**

Clerk to the Board

## **2. Application of Occasional Licence – 13 to 26 September 2021**

### **Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Sub Committee of the Board grants the applications for an occasional licence on 13 to 26 September 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report.

Moved by Councillor Les Sharp. Seconded by Councillor Martha Benny.

### **Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Sub Committee of the Board granted the applications for an occasional licence on 13 to 26 September 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report, namely

1. Alcohol sold for consumption in the licensed outdoor area will be ordered from, and delivered to the table, by staff employed at the premises.
2. The outdoor area must be clearly separated from any neighbouring unlicensed area by a physical barrier such as a fence or series of posts and rope or tape of at least 1 metre in height.
3. The outside area can only be occupied by persons seated at a table.

4. The licence holder must ensure that alcohol is only consumed by persons seated at a table
5. All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in or decanted into plastic or polycarbonate drinking vessels.
6. No entertainment, live or recorded music or performances will be permitted in any outdoor area. The Licence holder must take steps to ensure that patrons comply with this condition.
7. Only alcohol sold by the The No 5 Inn, Alva may be consumed in the licensed area.

**Action**

Clerk to the Board

**3. Application of Occasional Licence – 27 September to 3 October 2021**

**Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Sub Committee of the Board grants the applications for an occasional licence on 27 September to 3 October 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report.

Moved by Councillor Les Sharp. Seconded by Councillor Martha Benny.

**Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Sub Committee of the Board granted the applications for an occasional licence on 27 September to 3 October 2021, subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report, namely

1. Alcohol sold for consumption in the licensed outdoor area will be ordered from, and delivered to the table, by staff employed at the premises.
2. The outdoor area must be clearly separated from any neighbouring unlicensed area by a physical barrier such as a fence or series of posts and rope or tape of at least 1 metre in height.
3. The outside area can only be occupied by persons seated at a table.
4. The licence holder must ensure that alcohol is only consumed by persons seated at a table
5. All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in or decanted into plastic or polycarbonate drinking vessels.
6. No entertainment, live or recorded music or performances will be permitted in any outdoor area. The Licence holder must take steps to ensure that patrons comply with this condition.
7. Only alcohol sold by the The No 5 Inn, Alva may be consumed in the licensed area.

**Action**

Clerk to the Board

Ends 9.50 am



**CLACKMANNANSHIRE LICENSING BOARD**

**MEETING 05 October 2021 at 09:30am**

**Via MS Teams**

**Licensing (Scotland) Act 2005**

**Personal Licence(s) Grant**

<b>No.</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
1.	Leigh Elizabeth Dorricott	02 June 2021	Personal Licence granted under delegated powers
2.	Deborah Anne Cleary	04 June 2021	Personal Licence granted under delegated powers
3.	Jade Rafferty	04 June 2021	Personal Licence granted under delegated powers
4.	Stephen Thomas Mcmenemy	08 June 2021	Personal Licence granted under delegated powers
5.	Martyn Scott	08 June 2021	Personal Licence granted under delegated powers
6.	Stephanie Cocking	08 June 2021	Personal Licence granted under delegated powers
7.	Lynsey Burnett	28 June 2021	Personal Licence granted under delegated powers
8.	Rebecca McFarlane	28 June 2021	Personal Licence granted under delegated powers
9.	Susan Diana Martin c/o CPL Learning Unit 3 Bridge Court 110 Canning Street Birkenhead CH41 1EW	01 July 2021	Personal Licence granted under delegated powers

<b>10.</b>	<b>Brooklyn Jade Warkentin c/o CPL Learning Unit 3 Bridge Court 110 Canning Street Birkenhead CH41 1EW</b>	<b>01 July 2021</b>	<b>Personal Licence granted under delegated powers</b>
<b>11.</b>	<b>Madison Brenda Wardrop c/o CPL Learning Unit 3 Bridge Court 110 Canning Street Birkenhead CH41 1EW</b>	<b>01 July 2021</b>	<b>Personal Licence granted under delegated powers</b>
<b>12.</b>	<b>Mohammed Kashif Ahmed</b>	<b>01 July 2021</b>	<b>Personal Licence granted under delegated powers</b>
<b>13.</b>	<b>Yasra Durrani</b>	<b>01 July 2021</b>	<b>Personal Licence granted under delegated powers</b>
<b>14.</b>	<b>Sanah Ahmed</b>	<b>01 July 2021</b>	<b>Personal Licence granted under delegated powers</b>



**CLACKMANNANSHIRE LICENSING BOARD**

**MEETING 05 October at 09:30am in**

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

**Licensing (Scotland) Act 2005**

**Transfer(s)**

<b>No.</b>	<b>Premises</b>	<b>Transferee</b>	<b>Date Received</b>	<b>Comments</b>
1.	The Cambus Inn & Tea Room at Cambus 4 Main Street Cambus FK10 2NX	The Tea Room at Cambus Limited 91 Alexander Street Airdrie ML6 0BD	14 June 2021	Transfer of Premises Licence granted under delegated powers.



**CLACKMANNANSHIRE LICENSING BOARD**

**MEETING 05 October 2021 at 09.30am**

**Via MS Teams**

**Licensing (Scotland) Act 2005**

**Variation(s) (Minor)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
<b>County Bar 1 Main Street Clackmannan FK10 4JA</b>	<b>Candleriggs Inns Limetree House North Castle Street Alloa FK10 1EX</b>	<b>11 June 2021</b>	<b>Minor Variation to vary Designated Premises Manager granted under delegated powers</b>
<b>Oakwood Lounge Fairfield Road Sauchie FK10 3DE</b>	<b>Gillian Bradie Law</b>	<b>14 June 2021</b>	<b>Minor Variation to vary Designated Premises Manager granted under delegated powers</b>
<b>The Cambus Inn &amp; Tea Room Cambus 4 Main Street Cambus FK10 2NX</b>	<b>John Muldoon</b>	<b>17 June 2021</b>	<b>Minor Variation to vary Designated Premises Manager granted under delegated powers</b>



**CLACKMANNANSHIRE LICENSING BOARD**

**MEETING 05 October 2021 at 09:30am**

**Via MS Teams**

**Licensing (Scotland) Act 2005**

**Variation(s) (Non Minor)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
<b>Royal Oak Hotel 7 Bedford Place Alloa FK10 1LJ</b>	<b>Alan Bradie 10 Coalpots Way Fishcross FK10 3HP</b>	<b>07 June 2021</b>	<b>Variation to Operating Plan to include:-  Additional Outdoor drinking area to the rear of the premises  Application and Layout Plan (copies attached)  Licensing Standards Report (copy attached)  Representation Environmental Officer, Clackmannanshire Council, (copy attached)  No objections received Police Scotland 20 July 2021</b>
<b>Royal Arms 2 High Street Tillicoultry FK13 6AE</b>	<b>Premier Management (Alloa) Limited Victoria House High Street Tillicoultry FK13 6AA</b>	<b>26 July 2021</b>	<b>Variation to Operating Plan to include:-  Additional Outdoor drinking area to the rear of the premises  Application and Layout Plan (copies attached)  Licensing Standards Report (copy attached)  Representation Environmental Officer, Clackmannanshire Council, (copy attached)  No objections received Police Scotland 06 September 2021</b>

<p><b>Mansfield Arms 7 Main Street Sauchie FK10 3JL</b></p>	<p><b>John Gibson &amp; Partners t/a The Mansfield Arms Mansfield Arms 7 Main Street Sauchie FK10 3JR</b></p>	<p><b>30 July 2021</b></p>	<p><b>Variation to Operating Plan to include:-</b></p> <p><b>Outdoor drinking area to the rear of the premises</b></p> <p><b>Application and Layout Plan (copies attached)</b></p> <p><b>Licensing Standards Report (copy attached)</b></p> <p><b>Representation Environmental Officer, Clackmannanshire Council, (copy attached)</b></p> <p><b>Letter of objection received from Margaret Stoddart</b></p> <p><b>Representation from Claire Robinson and Karl Bourdon</b></p> <p><b>No objections received Police Scotland 08 September 2021</b></p>
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Licensing (Scotland) Act 2005, Section 29  
Application for Variation of Premises Licence

To:

Clerk to the Licensing Board  
Clackmannanshire Council  
Kilncraigs  
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.

THE ROYAL OAK HOTEL 7 BEDFORD PLACE ALLOA FK10 1LJ	LIC No. CC203
---	---------------

#### Question 2

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



ALAN BRADIE



**DETAILS OF VARIATION**

**Question 3**

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

EXTENDING SIZE OF CURRENTLY LICENSED REAR BEER GARDEN, TO ALLOW MORE OUTSIDE EATING / DRINKING IN LINE WITH COVID 19 GUIDELINES -

AREA TO INCLUDE TWO NEW SHELTERS, TO KEEP CUSTOMERS DRY DURING RAIN, ONE WILL HAVE A SOLID REAR PANEL TO BLOCK ANY NUISANCE FROM NOISE ETC. TO NEIGHBOURING PROPERTIES

**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.



# Licensing Board



**Clackmannanshire  
Council**

www.clacksweb.org.uk

## 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

# Licensing Board



Clackmannanshire  
Council

[www.clacksweb.org.uk](http://www.clacksweb.org.uk)

No

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

N/A.

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

Name and Address of the Proposed Premises Manager

N/A.

Date and Place of Birth of the Proposed Premises Manager

N/A

Email Address and Telephone Number of the Proposed Premises Manager

N/A.

# Licensing Board



**Clackmannanshire Council**

www.clacksweb.org.uk

## Personal Licence

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

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.

N/A -

### 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.....  ..... Date .....

\* (See Note Overleaf)

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

Telephone Number and Email Address of Signatory



.....

.....

.....



# THE ROYAL OAK HOTEL 7 BEDFORD PLACE ALLOA

## LEGEND

- SMOKE DETECTOR
- HEAT DETECTOR
- ALARM SIREN
- BREAK GLASS
- WATER FIRE EXT
- DRY POWDER EXT
- CARBON DIOXIDE EXT
- FOAM EXT
- FIRE ALARM PANEL
- EMERGENCY LIGHT
- VENTILATION FAN
- FUSE BOX
- BEER CHILLER
- EXTERIOR FLOODLIGHT
- CCTV CAMERA

SCALE 1:100

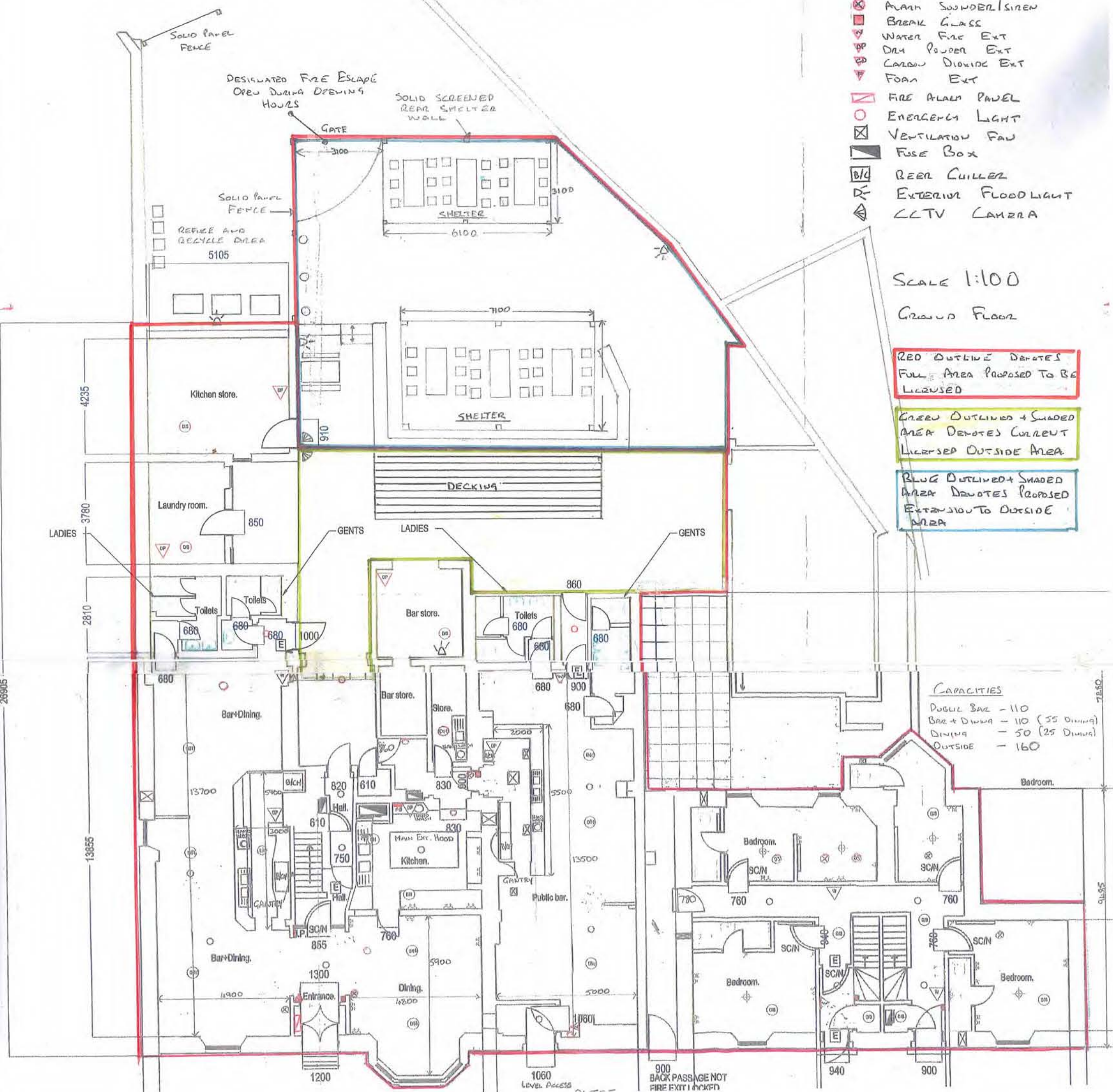
GROUND FLOOR

RED OUTLINE DENOTES  
FULL AREA PROPOSED TO BE  
LICENSED

GREEN OUTLINE + SHADED  
AREA DENOTES CURRENT  
LICENSED OUTSIDE AREA

BLUE OUTLINE + SHADED  
AREA DENOTES PROPOSED  
EXTENSION TO OUTSIDE  
AREA

**CAPACITIES**  
 PUBLIC BAR - 110  
 BAR + DINING - 110 (55 DINING)  
 DINING - 50 (25 DINING)  
 OUTSIDE - 160





**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/CC203**

Your Ref:

Date: **1 August, 2021**

Subject: **Licensing (Scotland) Act, 2005. Section 29  
Application for Non Minor Variation of a Premises Licence  
The Royal Oak, 7 Bedford Place, Alloa FK10 1LJ CC203**

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 seeks to vary the premises licence No CC203 in the following ways:
  - a) Approval to significantly extend the existing outdoor drinking area to the rear of the premises.
3. I have no concerns about the proposed changes however the extended outdoor area may contribute to a conflict with the licensing objectives without close supervision and additional local conditions.
4. This area is in quite close proximity to nearby residential property.
5. The area has been licensed for a continuous period of around 12 months during the COVID special circumstances period, and this application seeks to permanently licence the area.
6. The applicant is aware that the current Clackmannanshire Licensing Board Statement of Licensing Policy, includes a number of optional local licensing conditions that effect outdoor drinking areas. I have had the opportunity to discuss the possibility of these conditions being applied to the licence with the applicant's. 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.
7. 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.

8. I understand that the applicant may wish to address the board, or submit some material in advance in relation to the condition proposing a ban on entertainment in the area. If such material appears or is presented I would like the opportunity to respond to that.
9. The televised football matches shown in the area during the Euro 2020 competition attracted no complaints that I am aware of. The appeared to have been well managed and supervised by the premises manager.
10. The Licence holder may also wish to address the Board on the use of plastic drinkware and or the possibility of table service. It has become normal for most outdoor areas to have one or other of these conditions applied. If such a matter is raised I would like the opportunity to respond.
11. I have deliberately not proposed a condition limiting the numbers of persons that can be in the extended outdoors area as this is not an approach that has ever been taken in Clackmannanshire by the either the Licensing Board or the Licensing Standards Officer.
12. I believe that regardless of numbers of persons in the area, the management have a duty to ensure that the premises are operated in compliance with the licensing objectives. I further believe that 20 noisy individuals are capable of making as much or more noise than 100 well behaved individuals, and as such the arbitrary nature of placing an upper limit on numbers does not appear to me to reduce the likelihood of public nuisance occurring, however it could place the premises at a trading disadvantage over other premises not subject to limits. For example an afternoon wake of 100 persons (easily accommodated at the premises) could be restricted to only a few at a time being allowed to use the outdoor area, in circumstances where it is very unlikely that large numbers of people would contribute to any conflict with the licensing objectives.
13. I would find it difficult propose that a limit on numbers below what is permitted by the Building (Scotland) Regulations, 2004, using the assessment methods set out in the Technical Handbook would be “necessary or expedient” for the purposes of the Licensing Objectives.
14. The proposed conditions within this representation many of which have become standard across permanently licensed outdoor areas in Clackmannanshire have been shown to adequately control concerns about nuisance emanating from outdoors areas to the extent that there are virtually no complaints that I have been made aware of in this regard.
15. Any complaint has been addressed quickly and effectively by reminding operators of their responsibilities and of the conditions within their licence.
16. I would further suggest that all of the existing local conditions on the licence that relate to the outdoor area are removed, and any new conditions apply to the entire extent of the outdoor area that now exists.

*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 condition 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.**

**Or (see paragraph 10 of LSO representation)**

**\* 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.**





## Memo

To: **JUNE ANDISON  
LICENSING ADMINISTRATOR**

From: **ENVIRONMENTAL HEALTH**  
Extension: 2541  
E-Mail: [ehhealth@clacks.gov.uk](mailto:ehhealth@clacks.gov.uk)  
Our Ref:  
Your Ref: **1/7/10 JA**  
Date: 2<sup>nd</sup> August 2021

Subject: **ROYAL OAK HOTEL, 7 BEDFORD PALCE, ALLOA  
NON MINOR VARIATION TO PREMISES APPLICATION  
CHANGES TO THE BEER GARDEN AREA**

I refer to the abovementioned application and would respond as follows.

**ENVIRONMENTAL HEALTH**  
**RESPONDING OFFICER: HELEN HENDERSON**

I refer to the recent non-minor variation licensing application for the Royal Oak Hotel which relates to the extension of the beer garden located at the rear of the property.

The extended beer garden has been in use since summer 2020 and was introduced after the first national lock down to help with social distancing at the establishment. Environmental Health received a noise complaint last summer about the beer garden and after investigation found that the complaint was justified. At that time the area operated with a maximum of 70 patrons till 10pm. But our investigation determined that noise from patrons at this site was still causing neighbour disturbance when only 30 patrons were on site. This was due to the close proximity of nearby residential properties and that one of these directly overlooked the beer garden. In response, the business operators reduced the number of patrons on site to 30 and closed the area at 7pm. This resolved the complaint.

In spring 2021, work was undertaken in the beer garden to introduce screening to help control noise from the site. This included fencing and creating two permanent raised covers over the tables located on the raised decking. The placement of the raised screens and the tables successfully introduced a physical barrier to the closest residential property. They have been operating since spring with a maximum of 50 patrons on site till 10pm without complaint.

It is clear that the successful operation of the beer garden this year has been due to the installation of the new screens, strong management controls by the food business operator and also the control on the number of patrons on site.

Environmental Health is concerned that the applicant intends to increase patron numbers in this area as part of this application. Increasing the number of people on site will increase the general volume of noise created within this area. Accommodating the additional patrons will also involve using areas of the beer garden, whether by seating or standing, that are not screened to the nearby residential properties. Both the increase in noise and gaps in the physical screening will increase the noise impact to local residents and will most likely lead to noise complaints, particularly in the summer months.

Consequently, Environmental Health would recommend that the number of patrons permitted is retained at 50 to minimise the impact to the nearby residents.

I trust this information is of use to you.

## ENVIRONMENTAL HEALTH





## 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.

THE ROYAL ARMS 2 HIGH STREET TILLCOUNTRY FK13 6AE	PAID 22 MAR 2021 ✓ Ferguson
--	--------------------------------

##### Question 2

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


PREMIER MANAGEMENT (ALLOA) LIMITED VICTORIA HOUSE HIGH STREET TILLCOUNTRY FK13 6AA
--

**DETAILS OF VARIATION**

**Question 3**

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

EXTENSION TO BEER GARDEN. TO BE ATTACHED  
TO THE OUTSIDE SPACE AT REAR OF BUILDING  
TO ACCOMMODATE EIGHT TABLE AND 48  
Chairs

CHANGE OF LICENCEHOLDERS ADDRESS TO:-  


**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

Date and Place of Birth of the Proposed Premises Manager

Email Address and Telephone Number of the Proposed Premises Manager

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.

**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 ~~17-3-21~~ 26-7-21 .....

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

Telephone Number and Email Address of Signatory

.....  
.....

**\* 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

<b>Checklist</b>	
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

1(a) Will alcohol be sold for consumption solely <b>ON</b> the Premises?	YES/NO*
1(b) Will alcohol be sold for consumption solely <b>OFF</b> the Premises?	YES/NO*
1(c) Will alcohol be sold for consumption both ON and OFF the Premises?	YES <del>NO</del>
*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	11am	12pm
TUESDAY	11am	12pm
WEDNESDAY	11am	12pm
THURSDAY	11am	12pm
FRIDAY	11am	1am
SATURDAY	11am	1am
SUNDAY	11am	<del>11am</del> 12pm

**Question 3**

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

DAY	OFF CONSUMPTION	
	OPENING TIME	TERMINAL HOUR
MONDAY	11am	10 pm
TUESDAY	11am	10 pm
WEDNESDAY	11am	10 pm
THURSDAY	11am	10 pm
FRIDAY	11am	10 pm
SATURDAY	11am	10 pm
SUNDAY	11am	10 pm

**Question 4**

**SEASONAL VARIATIONS**

Does the Applicant intend to operate according to Seasonal Demand	<del>YES</del> NO*
---	--------------------

\*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 <b>YES/NO</b>	COL. 3 To Be Provided During Core Licensed Hours Please Confirm <b>YES/NO</b>	COL. 4 Where Activities Are Also to Be Provided Outwith Core Licensed Hours Please Confirm <b>YES/NO</b>
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 <b>YES/NO</b>	To Be Provided During Core Licensed Hours Please Confirm <b>YES/NO</b>	Where Activities Are Also to Be Provided Outwith Core Licensed Hours Please Confirm <b>YES/NO</b>
Receptions Including Wedding, Funerals, Birthdays, Retirements Etc.	Yes	YES	No
Club of Other Group Meetings etc.	Yes	YES	No
5(b) Activity Entertainment Including:	Please Confirm <b>YES/NO</b>	To Be Provided During Core Licensed Hours Please Confirm <b>YES/NO</b>	Where Activities Are Also to Be Provided Outwith Core Licensed Hours Please Confirm <b>YES/NO</b>
Recorded Music – see 5(g)	YES	YES	No
Live Performance – See 5(g)	YES	YES	No
Dance Facilities	YES	YES	No
Theatre	No	No	No

Films	Yes	Yes	No
Gaming	Yes	Yes	No
Indoor/Outdoor Sports	Yes	Yes	No
Televised Sport	Yes	Yes	No
5(d) Activity	Please Confirm <b>YES/NO</b>	To Be Provided During Core Licensed Hours Please Confirm <b>YES/NO</b>	Where Activities Are Also to Be Provided Outwith Core Licensed Hours Please Confirm <b>YES/NO</b>
Outdoor Drinking Facilities	Yes	Yes	No
5(e) Activity	Please Confirm <b>YES/NO</b>	To Be Provided During Core Licensed Hours Please Confirm <b>YES/NO</b>	Where Activities Are Also to Be Provided Outwith Core Licensed Hours Please Confirm <b>YES/NO</b>
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

--

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	<del>YES</del> NO*
When Fully Occupied Are There Likely To Be More Customers Standing Than Seated	<del>YES</del> 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 <del>NO</del>

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

<p>CHILDREN AND YOUNG PERSONS WILL ONLY BE ALLOWED ON THE PREMISES WHEN ACCOMPANIED BY A RESPONSIBLE ADULT.</p>
---

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

5 TO 17 YEARS OF AGE.

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

NO LATER THAN 7pm

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 ONLY BE ALLOWED IN THE LOUNGE AND BEER GARDEN IF ACCOMPANIED BY AN ADULT

### Question 7

#### CAPACITY OF PREMISES

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

~~60~~ <sup>OK</sup> SALES 77  
ON DOOR AREAS 60

**Question 8**

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

Personal Details

8(a) Name

BRAMLEY ECCLES

8(b) Date of Birth

[REDACTED]

8(c) Contact Address

[REDACTED]

8(d) Email Address

[REDACTED]


8(e) Personal Licence

Date of Issue	Name of Licensing Board Issuing	Reference No. Of Personal Licence
19 OCTOBER 2017	CHACKMANNANSHIRE LICENSING BOARD	CC740.

**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 ..... ~~18/3/21~~ 26-7-21 .....

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

Telephone Number and Email Address of Signatory



.....

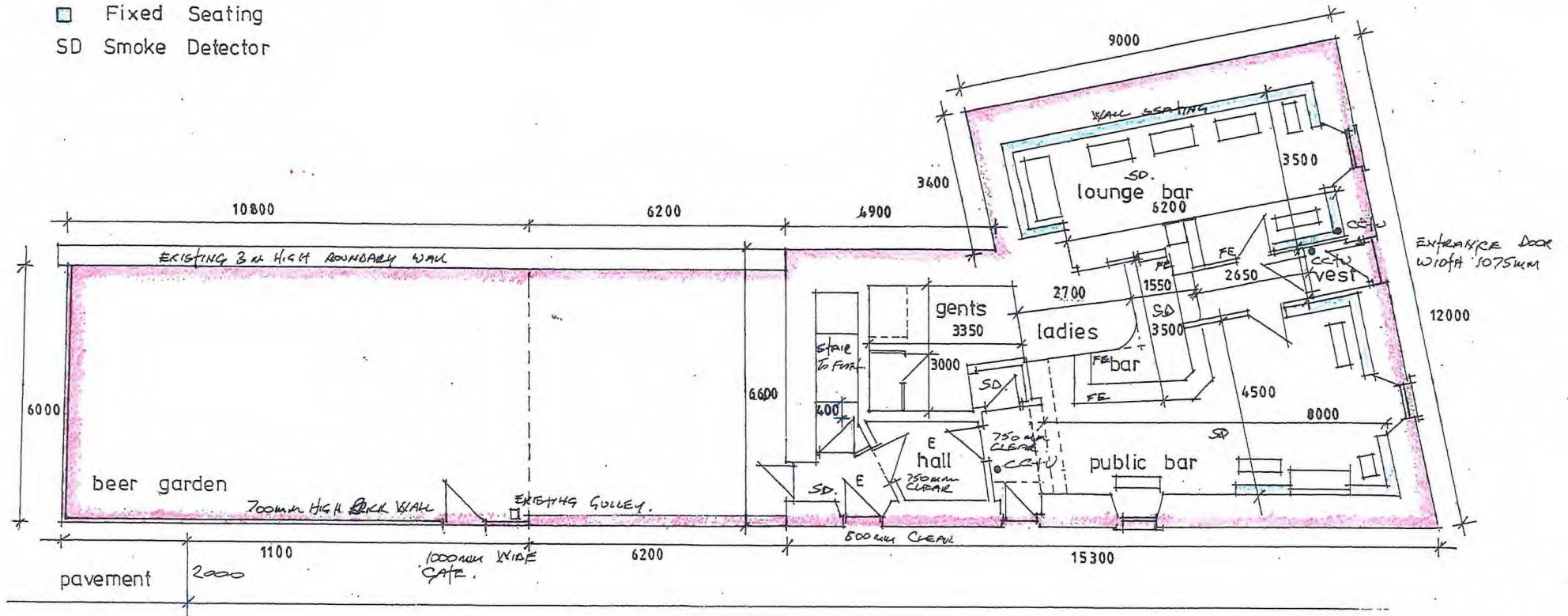
**\* Data Protection Act 1998**

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



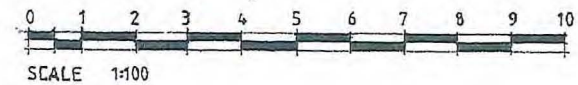
Extent of licenced premises coloured red

- CCTV
- FE Fire Extinguisher
- Fixed Seating
- SD Smoke Detector



Plan

The Royal Arms  
 2 High St  
 Tilllicoultry







## 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/CC0057**

**Your Ref:**

**Date: 8 September 2021**

**Subject: Licensing (Scotland) Act, 2005,  
Non Minor Variation CC181–Outdoor Drinking Area – to rear of premises  
Premier Management (Alloa) Limited  
The Royal Arms, 2 High Street, Tillicoultry FK13 6AA**

1. This representation relates to an application for a non minor variation seeking to extend the licensed area of the premises. The application seeks authority to make sales of alcohol in an outdoor area which is not currently part of the licensed footprint.
2. The area in question is a former car park to the rear of the premises. The land is owned by the applicant.
3. The land was sold to the applicant by Clackmannanshire Council.
4. The land has been granted planning permission by Clackmannanshire Council for use as commercial licensed premises.
5. The land is subject of a right of servitude in favour of the occupiers of a number of nearby residential addresses, which grants them a legal right use the land for parking, pedestrian and vehicular access to their property.
6. I do not understand the full legal implications of this “right of servitude” or its impact on the suitability of the land for use as licensed premises.
7. The Licensing Board may benefit from hearing from the Council Solicitor, who completed the transaction for the sale of the land, and the Planning Officer who granted the planning permission in the knowledge that the right of servitude was in existence.
8. A series of occasional licence applications relating to this area were granted on 2020, during the peak of the “Covid 19” pandemic period however the applicant is now looking to a more permanent licensing solution so that they can continue to use of this area in the longer term.

9. If granted the area would be licensed and available for use all year round including in periods of darkness. Adequate lighting would be required to be installed.
10. A layout plan supplied with the application shows that the area will have a 700mm high boundary wall of brick construction separating the area from the adjacent footpath on Upper Mill Street, Tillicoultry. It has been normal practice for the Licensing Board to require a fixed or removable barrier of at least 1 metre in height. I can see no reason to deviate from the 1 metre height requirement. In my opinion a 700mm tall barrier when combined with individuals who have consumed alcohol may present a trip hazard, and result in an inconsistency with the securing public safety licensing objective.
11. In the absence of the "right of servitude" on the land I would have had no hesitation in suggesting that the area is suitable for licensing.
12. From a licensing perspective I have no concerns in relation to this application,. However outdoor drinking areas do create an increased risk of non compliance in relation to the licensing objectives.
13. The applicant is aware that the current Clackmannanshire Licensing Board Statement of Licensing Policy, includes a number of optional local licensing conditions that relate to outdoor drinking areas. I have had the opportunity to discuss the possibility of these conditions being applied to the licence with the applicant.
14. 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.
15. 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.
16. I am happy to explain why certain conditions from the list in appendix A have not been selected or proposed in relation to this specific application.
17. I would draw to the attention of the Licensing Board the last suggested condition which proposes one of two options. I understand that the applicant may wish to address the Board in relation to this proposal, as he has suggested that he can suitably and safely manage the use of glass vessels without the need for full table service. The applicant has indicated that the impact of single or multi use plastic on the climate does not sit well with him and his environmental beliefs, and that staffing a full table service for his outdoor area may not be financially viable.
18. Should the Board choose not to apply the last suggested conditions, and any conflict with the licensing objective did occur as a result, then it would not be that difficult to revisit the matter in the future.

19. I have deliberately not proposed a condition limiting the numbers of persons that can be in the new outdoor area as this is not an approach that has ever been taken in Clackmannanshire by either the Licensing Board or the Licensing Standards Officer.
20. I believe that regardless of numbers of persons in the area, the management and staff on licensed premises have a legal duty to ensure that the premises are operated in compliance with the licensing objectives. I further believe that 20 noisy individuals are capable of making as much or more noise than 100 well behaved individuals, and as such the arbitrary nature of placing an upper limit on numbers does not appear to me to reduce the likelihood of public nuisance occurring, however it could place the premises at a trading disadvantage over other premises not subject to limits. For example an afternoon funeral wake of 50 persons (easily accommodated at the premises) could be restricted to only a few at a time being allowed to use the outdoor area, in circumstances where it is very unlikely that large numbers of people attending a funeral would contribute to any conflict with the licensing objectives.
21. I would find it difficult to propose that a limit on numbers below what is permitted by the Building (Scotland) Regulations, 2004, using the assessment methods set out in the Technical Handbook would be "necessary or expedient" for the purposes of the Licensing Objectives.
22. The proposed conditions within this representation many of which have become standard across permanently licensed outdoor areas in Clackmannanshire have been shown to adequately control concerns about nuisance emanating from outdoor areas to the extent that there are virtually no complaints that I have been made aware of in this regard.
23. Any complaint has been addressed quickly and effectively by reminding operators of their responsibilities and of the conditions within their licence.
24. If local conditions are applied to the licence on grant of this variation application I would suggest that these local conditions apply to all outdoor drinking areas at the premises, and that any current local conditions relating to existing outdoor areas are removed from the licence.

*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.**
- \* Only alcohol that has been sold by the premises can be consumed in the outdoor area.**
- \* No live or recorded music, live performances or other entertainment is permitted within the outdoor drinking area. (Except with the written consent of the Licensing Board)**
- \* 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 condition 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 (of at least 1 metre in height) 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.

or

\* 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.







**Development and Environmental Services**  
Kilncraigs, Greenside Street, Alloa, FK10 1EB

## MEMO

<b>To:</b>	<b>The Clerk of the Licensing Board Kilncraigs Greenside Street Alloa FK10 1EB</b>	<b>From:</b>	<b>Dawn Brisbane Environmental Health Officer</b>
		<b>Direct Tel:</b>	<b>01259 450000</b>
		<b>Our Ref:</b>	
		<b>Your Ref:</b>	<b>CC0057</b>
		<b>Date:</b>	<b>2<sup>nd</sup> September 2021</b>

**Subject: Licensing (Scotland) Act 2005  
Application for a Non Minor Variation  
Royal Arms, 2 High Street, Tillicoultry, FK13 6AE**

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.

This premises licence has included an outdoor drinking area to the rear of the building for a number of years. In addition to this there are currently 5 tables capable of accommodating a total of 30 persons in the proposed extended area; the siting of these tables was permitted as part of several occasional licences during the pandemic.

This application seeks to permanently increase the outdoor drinking area by adding an additional 8 tables and 48 seats to existing outdoor drinking area. I have concerns regarding the level of noise this number of people would generate if the increased outdoor drinking area was at full capacity.

We are aware that the proposed application, if granted, has the potential to cause conflict with the preventing public nuisance licensing objective which could affect the nearest residential properties due to their close proximity, in particular the residents of the adjoining property. The increased noise from patrons could have a direct affect on public health and public nuisance, particularly in the summer months when neighbouring properties are likely to have their windows open and be using the gardens for family recreation and enjoyment.

In order to limit the potential impact on the neighbouring residential properties, we would recommend that the number of additional patrons permitted in the outdoor drinking area is limited to that in place as part of the occasional licences, which is an increase of 30 persons to the numbers already permitted as part of the current premises licence.

Photographs showing the close proximity of residential properties to the proposed beer garden are attached to Annex 1.

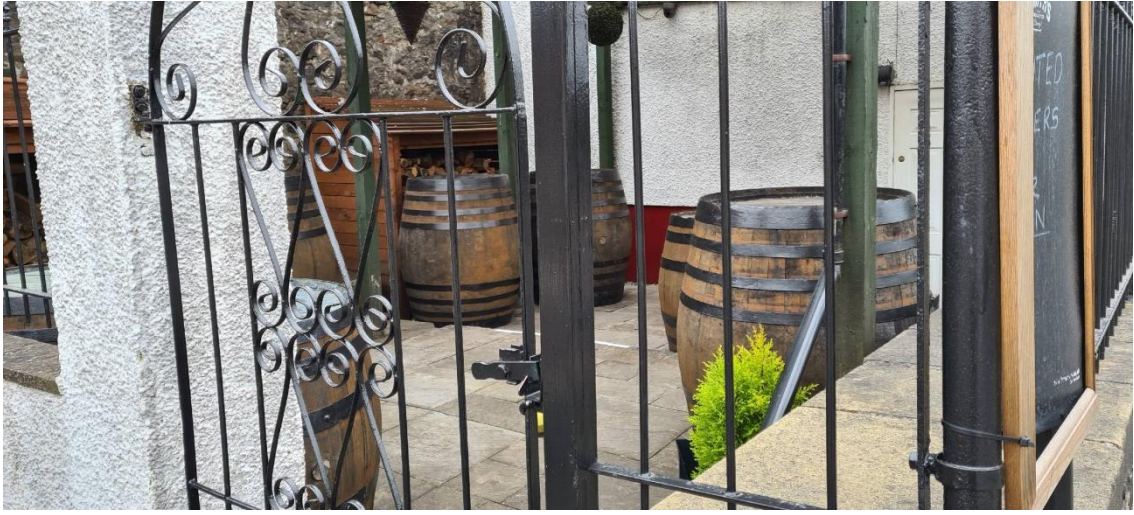
If the application is granted, I would recommend that the applicant provides details of the procedures which would be in place to mitigate potential issues. It is understood that this could be achieved by application of local conditions, in addition to Clackmannanshire Council's standard conditions for outdoor drinking areas, which could be in the form of:

- i. The applicant will supply to the Licensing Board a management plan relating to the use of the outdoor area. This plan will include details of the maximum capacity, hours of operation, staffing, service and supervision arrangements, and any other measures in place to mitigate any potential conflict with the licensing objectives.*

**DAWN BRISBANE  
ENVIRONMENTAL HEALTH OFFICER**

Annex 1







## 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.

John Gibson & Partners T/A the Mansfield Arms  
Mansfield Arms  
7 Main Street  
Sauchie  
FK10 3 JR  
  
CC0026

#### Question 2

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

As above

## DETAILS OF VARIATION

### Question 3

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

Creation of outdoor drinking area to rear of the premises and adding outdoor drinking to operating plan

## 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

--

Date and Place of Birth of the Proposed Premises Manager.

--

Email Address and Telephone Number of the Proposed Premises Manager

--

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.**

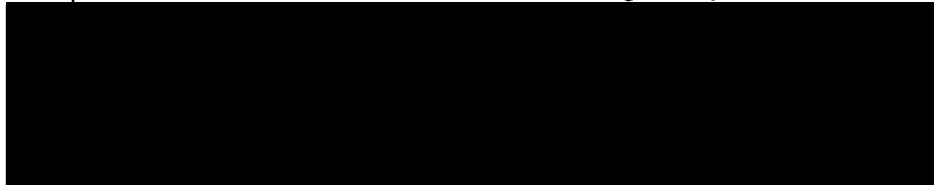
The Contents of This Application Are True to the Best of my Knowledge and Belief.

Signature .....\* (See Note Below)

Date ..... 7.7.21 .....

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

Telephone Number and Email Address of Signatory



**\* 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

<b>Checklist</b>	
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

1(a) Will alcohol be sold for consumption solely ON the premises	
1(b) Will alcohol be sold for consumption solely OFF the premises	
1(c) Will alcohol be sold for consumption both ON and OFF the premises	<b>YES</b>
*Delete as appropriate	

**Question 2**

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

<b>Day</b>	<b>ON Consumption</b>	
	<b>Opening time</b>	<b>Terminal hour</b>
<i>Monday</i>	11.00am	12.00pm
<i>Tuesday</i>	11.00am	12.00pm
<i>Wednesday</i>	11.00am	12.00pm
<i>Thursday</i>	11.00am	12.00pm
<i>Friday</i>	11.00am	1.00am
<i>Saturday</i>	11.00am	1.00am
<i>Sunday</i>	11:00am	12.00pm

**Question 3**

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

<b>Day</b>	<b>OFF Consumption</b>	
	<b>Opening time</b>	<b>Terminal hour</b>
<i>Monday</i>	11.00am	10.00pm
<i>Tuesday</i>	11.00am	10.00pm
<i>Wednesday</i>	11.00am	10.00pm
<i>Thursday</i>	11.00am	10.00pm
<i>Friday</i>	11.00am	10.00pm
<i>Saturday</i>	11.00am	10.00pm
<i>Sunday</i>	11.00am	10.00pm

NOTES: Non Minor Variation for change to commencement hour on Sundays for on/off sales, granted by Clackmannanshire Licensing Board at their meeting of 13 December 2012. Minor Variation to substitute Premises Manager granted under delegated powers 06 November 2019.

**Question 4**

**SEASONAL VARIATIONS**

<i>Does the applicant intend to operate according to seasonal demand</i>	<b>NO</b>
--	-----------

*\*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

<b>5(a) Activity</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided <u>outwith</u> core licensed hours please confirm YES/NO</b>
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	YES	YES	NO
<i>Restaurant facilities</i>	NO	NO	NO
<i>Bar meals</i>	YES	YES	NO
<b>5(b) Activity Social functions including:</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Receptions including (Weddings funerals,, birthdays, retirements etc)</i>	YES	YES	NO
<i>Club or other group meetings etc</i>	YES	YES	NO
<b>5(c) Activity Entertainment including:</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>

<i>Recorded Music – see 5(g)</i>	YES	YES	NO
<i>Live performances – see 5(g)</i>	YES	YES	NO
<i>Dance facilities – see 5(g)</i>	YES	YES	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	YES	YES	NO
<i>Indoor/outdoor sports</i>	YES	YES	NO
<i>Televised sport</i>	YES	YES	NO
<b>5(d) Activity</b>	<i>Please confirm YES/NO</i>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Outdoor drinking facilities</i>	YES	YES UNTIL 10PM	NO
<b>5(e) Activity</b>	<i>Please confirm YES/NO</i>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Adult entertainment – see 5(g)</i>	NO	NO	NO

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.

--

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing either live or recorded music, dancing or adult entertainment, any combination of these or all please provide the following details

Will the music level exceed 85dB?	
When fully occupied, are there likely to be more customers standing than seated?	
*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	<b>YES</b>
	*Delete as appropriate	
6(b)	Where the answer to 6(a) is YES provide statement of the <b>TERMS</b> under which they will be allowed entry	

<p><b>CHILDREN AND YOUNG PERSONS SHALL BE ALLOWED ENTRY WHEN ACCOMPANIED BY A RESPONSIBLE ADULT</b></p> <p>CHILDREN AND YOUNG PERSONS WILL NOT BE ALLOWED INTO ANY PART OF THE PREMISIES WHERE GAMING IS TAKING PLACE, OTHER THAN WHEN THAT GAMING IS BY WAY OF AWP (AMUSEMENT WITH PRIZES) MACHINES.</p>
---

6(c)	<i>Provide statement regarding the <b>AGES</b> of children or young persons to be allowed entry</i>
<p><b>CHILDREN 0-16</b></p> <p><b>YOUNG PERSONS 16 - 17</b></p>	

6(d)	<i>Provide statement regarding the <b>TIMES</b> during which children and young persons will be allowed entry</i>
<p><b>FOOD IS SERVED UNTIL 9.00PM AND CHILDREN &amp; YOUNG PERSONS SHALL BE ALLOWED TO REMAIN FOR A REASONABLE TIME AFTER FINISHING THEIR MEAL, BUT IN ANY CASE NO LATER THAN 10.00PM.</b></p>	

6(e)	<i>Provide statement regarding the <b>PARTS</b> of the premises to which children and young persons will be allowed entry</i>
<p><b>CHILDREN AND YOUNG PERSONS SHALL ONLY BE ALLOWED ACCESS TO THE FUNCTION ROOM AND SEATED AREA OF THE LOUNGE.</b></p>	

**Question 7**

*CAPACITY OF PREMISES*

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

<p><b>ON SALES - 220</b></p>
------------------------------

**Question 8**

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

*Personal details*

8(a) *Name*

**OLIVER JOHN GRAHAM**

8(b) *Date of birth*

**[REDACTED]**

8(c) *Contact address*

**7 MAIN STREET  
SAUCHIE  
FK10 3JR**

8(d) *Email address*

8(e) *Personal licence*

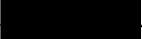
<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
<b>15 OCTOBER 2019</b>	<b>CLACKMANNANSHIRE LICENSING BOARD</b>	<b>CC834</b>




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  29.7.21 .....

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

Telephone Number and Email Address of Signatory



\* 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

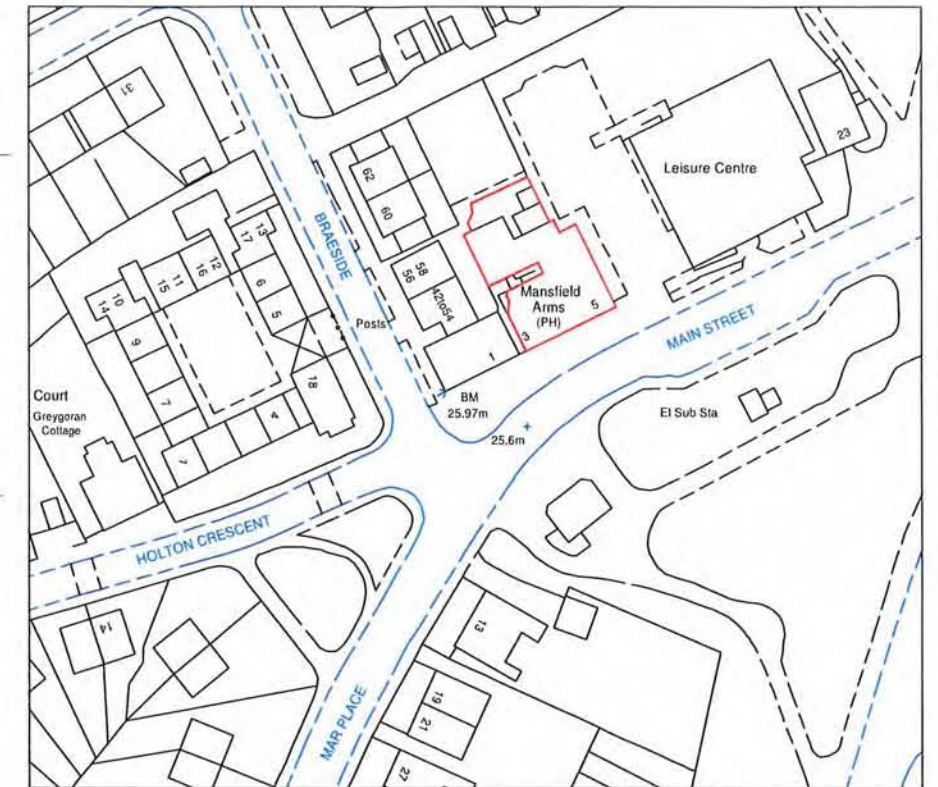


**Extent of property**

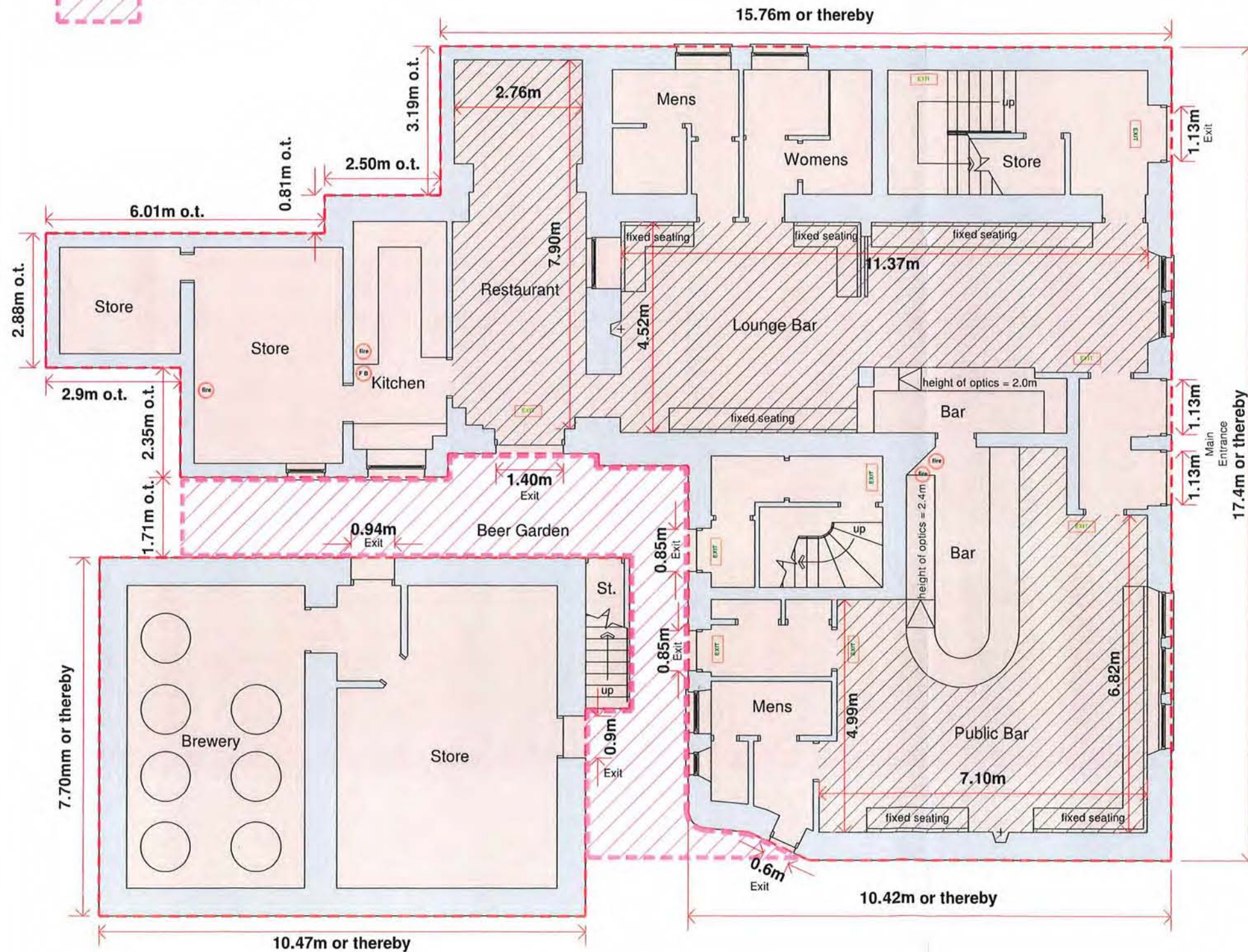
**Extent of customer area**  
Lounge Bar, Public Bar and Restaurant = 103m<sup>2</sup>  
Public occupancy of premises = 206 persons

**Beer Garden**  
Area = 33.5m<sup>2</sup>

	Fire extinguisher
	Fire blanket
	Illuminated exit signage



**SITE LOCATION PLAN 1:1250**  
SCALE 1:1250



**GROUND FLOOR PLAN 1:100**

**General Notes**

Fire fighting equipment to comply with the British Standard EN3, British Standard 7863:1996, British Standard 5306-3:2000 and British Standard 5306-8:2000.

The applicant must ensure that the upholstered furniture satisfies the Cigarette and Match Ignitability. Test specified in British Standard 5852:1990 (1998). (Note for existing furnishings only).

A Certificate of Compliance to the aforementioned British Standards should be issued by a competent person and forwarded to the Fire Authority prior to, or on the date of final inspection of the premises.



27 Canmore Street, Dunfermline  
Tel: 01383 621262  
Email: architecture@dmhall.co.uk

**PROJECT:**  
The Mansfield Arms  
7 Main Street  
Sauchie  
FK10 3JR

**TITLE:**  
LICENSING (SCOTLAND)  
ACT 2005

I hereby certify that this is the plan referred to in the foregoing application for Local Authority permission

Signed .....Dated .....

FILE No. PP-21-00385 A3

DATE:	DRAWN:	SCALE:	DRWG NO:
28/05/21	PH	1/100	1
Revision			





## 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/CC0026**

**Your Ref:**

**Date: 20 September 2021**

**Subject: Licensing (Scotland) Act, 2005,  
Non Minor Variation CC0026–Outdoor Drinking Area – to rear of premises  
John Gibson & Partners  
The Mansfield Arms, 7 Main Street, Sauchie FK10 3JR**

1. This representation relates to an application for a non minor variation seeking to extend the licensed area of the premises. The application seeks authority to licence an outdoor area which is not currently part of the licensed footprint.
2. The area in question is a relatively small lane to the rear of the premises, which separates the main building from a small onsite craft brewery. The land is owned by the applicant. The layout and scale of the area can be seen on the Layout Plan attached to the application
3. The proposed use of this area differs quite considerably from the expected use of a normal “beer garden”.
4. In this case the applicant is not seeking to encourage customers to sit outside in the area for long periods of time.
5. The applicant wishes to provide a facility to the rear of the premises predominantly as an area where customers who smoke could leave the building and be able to safely and legally take their drinks with them whilst they do so.
6. The intention of the applicant is to reduce the number of smokers gathering in the area of the front door (which opens onto the public footpath at Main Street, Sauchie.) and to reduce the small risk of customers taking alcohol from the licensed premises into an unlicensed area in a public place, where offences outside their control may occur.

7. To support the idea of short term use there will be no seats other than 2 or 3 removable stools, located near to a number of tall wooden beer barrels in the area.
8. Taking into consideration all of the supervision arrangements that the applicant has in place or planned (including CCTV), the intended short term use, the normal staffing levels at the premises, I am satisfied that the usual recommended local conditions relating to seated patrons, plastic drinkware and table service would not be required in this case.
9. However, at least one neighbour has raised some concerns directly with me in relation to the permanent use of the area as licensed premises.
10. That neighbour has indicated that the area is in quite close proximity to their bedroom and that the acoustic qualities of the lane do in their opinion amplify the noise from patrons.
11. They have also indicated that pollution from second hand smoke has on occasion entered their home through open windows. The issue with the second hand smoke seems only to affect their home when smokers congregate in the area at the Westerly most point of the lane.
12. In an attempt to mitigate any impact of second hand smoke on the neighbour the applicant has (I understand) agreed to designate this small area of the lane as a no smoking area. It may be that the licensing Board would wish to impose a local condition on grant of the application in relation smoking by patrons in this area.
13. Proposed terms for such a condition are contained at the end of Appendix A to this report. (marked \*)
14. In normal circumstances the use of outdoor areas is restricted to 10pm for the purposes of the consumption of alcohol.
15. It may be that having considered information from any objectors, and information contained within other representations the Board would want to compose a local condition in relation closure time of the outdoor area, that is different from the normal standard condition.
16. Once again In an effort to assist the Board I have drafted a number of options for what they may deem to be necessary and expedient condition at the end of Appendix A
17. If granted the area would be licensed and available for use all year round including in periods of darkness. Adequate lighting would be required to be installed.
18. From a licensing perspective I have no concerns in relation to this application, other than those raised in the preceding paragraphs; however outdoor drinking areas do create an increased risk of non compliance in relation to the licensing objectives.

19. The applicant is aware that the current Clackmannanshire Licensing Board Statement of Licensing Policy includes a number of optional local licensing conditions that relate to outdoor drinking areas. During a recent site visit I took the opportunity to discuss the possibility of these conditions being applied to the licence with the applicant.
20. 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.
21. Having considered the application, the follow on site visit and discussion with the applicant in relation to proposed use and supervision of the area, 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.
22. I would remind the Board that at the end of Appendix A there are some suggested alternate conditions, not reproduced in the Statement of Licensing Policy.
23. I am happy to explain why certain conditions from the list in appendix A have not been selected or proposed in relation to this specific application.
24. I have deliberately not proposed a condition limiting the numbers of persons that can be in the new outdoor area as this is not an approach that has ever been taken in Clackmannanshire by either the Licensing Board or the Licensing Standards Officer.
25. I believe that regardless of numbers of persons in the area, the management and staff on licensed premises have a legal duty to ensure that the premises are operated in compliance with the licensing objectives. I further believe that 1 or 2 noisy individuals are capable of making as much or more noise than 20 well behaved individuals, and as such the arbitrary nature of placing an upper limit on numbers does not appear to me to reduce the likelihood of public nuisance occurring.
26. I would find it difficult propose that a limit on numbers below what is permitted by the Building (Scotland) Regulations, 2004, using the assessment methods set out in the Technical Handbook would be “necessary or expedient” for the purposes of the Licensing Objectives.
27. I am further satisfied that the intended operation and nature of this area is unlikely to attract significant use that would benefit from a restriction on numbers.
28. The proposed conditions within this representation many of which have become standard across permanently licensed outdoor areas in Clackmannanshire have been shown to adequately control concerns about nuisance emanating from

outdoors areas to the extent that there are virtually no complaints that I have been made aware of in this regard.

29. Any complaint has been addressed quickly and effectively by reminding operators of their responsibilities and of the conditions within their licence, and of course the option to revisit the grant of consent for an outdoor area is relatively straightforward where a ground for review becomes apparent.

*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. ***(licensing Board Please see alternate Condition at # below)***

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

**\* 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 condition 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 (of at least 1 metre in height) 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.

or

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.

## **ALTERNATE LOCAL CONDITIONS**

# Access to the outdoor drinking by customers will not be permitted after 10.00pm. (or any other time set by the licensing Board) (see LSO comments in Paragraphs 14-16)

### **No Smoking Area**

\* Smoking will not be permitted by any person in the area to the West end of the outdoor area shown on the layout plan marked with a blue boundary<sup>1</sup> The licence holder will ensure that a visible and legible notice of at least A4 in size is displayed in this area making it clear that smoking is not permitted.

<sup>1</sup> If this condition is applied the blue boundary will be added to the appropriate area prior to the approved layout plan being issued with the licence documents.



Memo

To: JUNE ANDISON  
LICENSING ADMINISTRATOR

From: ENVIRONMENTAL HEALTH  
Extension: 2541  
E-Mail: ehealth@clacks.gov.uk  
Our Ref:  
Your Ref: 1/7/10 JA  
Date: 14<sup>th</sup> September 2021

Subject: CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
NON MINOR VARIATION OF PREMISES LICENCE  
MANSFIELD ARMS, 7 MAIN STREET, SAUCHIE

I refer to the abovementioned application and would respond as follows.

**ENVIRONMENTAL HEALTH**  
RESPONDING OFFICER: Stephen Ballantyne

This service has no objections to the variation being granted. However, the area in question is also the main route in for deliveries to the brewery, bar and kitchen and there could be potential Health and Safety issues when deliveries are being made when the area is occupied by customers. To this end it is recommended that a condition is set prohibiting deliveries when the area is occupied by customers or prohibiting the use of the area by customers when deliveries are being carried out.

I trust this information is of use to you.

**ENVIRONMENTAL HEALTH**





[REDACTED]  
Sauchie  
[REDACTED]

16th September 2021

Jane Anderson  
Clocks, Council  
Your Ref C0026

I wish it to be known that I strongly object to the application from the Mansfield Arms, Sauchie for the creation of a beer garden/outdoor drinking area to the rear of the premises.

The area in question is close to my bedroom window so having the noise created by people after having a few drinks is not acceptable.

At present the tenants of the flats have to endure the smell of cooking plus the noise of the machinery from the micro brewery.

In my opinion creating an outdoor drinking area is a step too far.

Yours faithfully  
(Mrs) Margaret Stoddart



Licensing (Scotland) Act, 2005, Representation - Mansfield Arms, Sauchie

Claire to: Licensing

20/09/2021 15:57

"I/We would like to make a representation in relation to the non minor variation to the licence for the Mansfield Arms, Sauchie.

The variation seeks to form a beer garden at the rear of the premises"

We are concerned about the second hand smoke coming from the said beer garden into our bedroom window which we can not now open when there are customers at this seating area below. My partner suffers from asthma and this is not good for his health nor mine being a non smoker.

Also with regards to the noise, we both are shift workers and operate machinery and have been woken up two Friday nights in a row now around midnight on both occasions, the noise is of loud voices which with the location it echos throughout the area thus making it louder and it is a nuisance.

I would suggest to alleviate our concerns that the beer garden is closed at 9pm on a night due to the noise factor and that it backs on to residents bedrooms as they all face onto the back area.

With regard to the smoking I would ask if this can be stopped at the area below our bedroom as we do not want to have to live with this on a daily basis and be unable to open our window.

Regards,

Claire Robinson & Karl Bourdon  
Residents

[Redacted]

Sauchie

[Redacted]

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DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

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**Report to the Licensing Board**

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**Date of Meeting: 5 October 2021**

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**Subject: General Permitted Extension - Festive Period 2021 -22**

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**Report by: Clerk to the Licensing Board**

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**1.0 Purpose**

1.1 The purpose of this report is to enable the Licensing Board to consider its approach to the festive period 2021-2.

**2.0 Background**

2.1 For a number of years the Board has agreed a general permitted extension to licensing hours over the festive period. This approach has been well received by the licensed trade.

**3.0 Recommendation**

3.1 It is recommended that the Board:

3.1.1 Note that the Statement of Licencing Policy has incorporated the Festive Policy

3.1.2 Agree that any general extension incorporated into the Statement of Licensing Policy 2018 shall apply for the period of 17 December 2021 to 2 January 2022.

**4.0 Consideration**

4.1 For 6 years the Board has granted a General Extension of licensed hours for the Festive Period. This approach has now been incorporated into the current consultation on the Statement of Licensing Policy.

The Statement of Licensing Policy "Festive Policy" considers it appropriate to grant a general extension of one additional hour to the terminal hour on all On Sales premises, unless that would extend trading beyond 2 am. An additional special provision to allow a 2am terminal hour where Christmas Eve and New Years Eve fall on a day other than a Friday and Saturday. This has been the same approach taken by the Board in previous years. As indicated above, to date this policy has been well supported, by the Police and the trade in particular. The Statement does indicate that the dates that the festive policy

will apply will continue to be set at this meeting in the cycle by the Board. Therefore it has been considered appropriate at this point to make a recommendation on when any agreed festive policy would apply. This will give the trade the opportunity to begin to plan for the festive period.

- 4.2 The administration of extended hours applications can be time consuming for the licensing team, as the Licensing Standards Officer is required to submit a report on each application, even if there are no concerns regarding the extension in question. As a result of this requirement, applications for extended hours cannot be determined under delegated powers, and require Board Members to approve each application. The fee payable for this is £10 and does not cover the cost of processing the application. Separately, this imposes a regulatory burden on licensed premises.

#### **4.0 Sustainability Implications**

- 4.1. None

#### **5.0 Resource Implications**

##### *5.1. Financial Details*

- 5.2. As reported previously to the Board the potential reduction in the number of extended hours applications will result in continued reduced income. However the cost of processing an application far exceeds the statutory fee and the loss of income is offset by the overall benefits gained by the Board, Council and applicants as detailed in this report.

##### *5.3. Staffing*

The grant of a general extension would remove the requirement for licence holders to submit an extended hours application. This would reduce the administrative burden on the licensing service, and would not require the Board to determine applications subject to a LSO report at short notice and prior to the Festive Break.

#### **6.0 Equalities Impact**

- 6.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes  No

#### **7.0 Legality**

- 7.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

#### **8.0 Appendices**

- 8.1 None.

## 9.0 Background Papers

### 9.1 Consultation on the Statement of Licensing Policy .

#### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Lindsay Thomson	Clerk to the Licensing Board	2084

#### Approved by

NAME	DESIGNATION	SIGNATURE
Richard Thompson	Clerk to the Licensing Board	