



## 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
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#### 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
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**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*
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\*If YES – provide details

**Question 5**

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

COL. 1 5(a) Activity	COL. 2 Please Confirm <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

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

5 TO 17 YEARS OR 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	CHACKMANNSHIRE 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



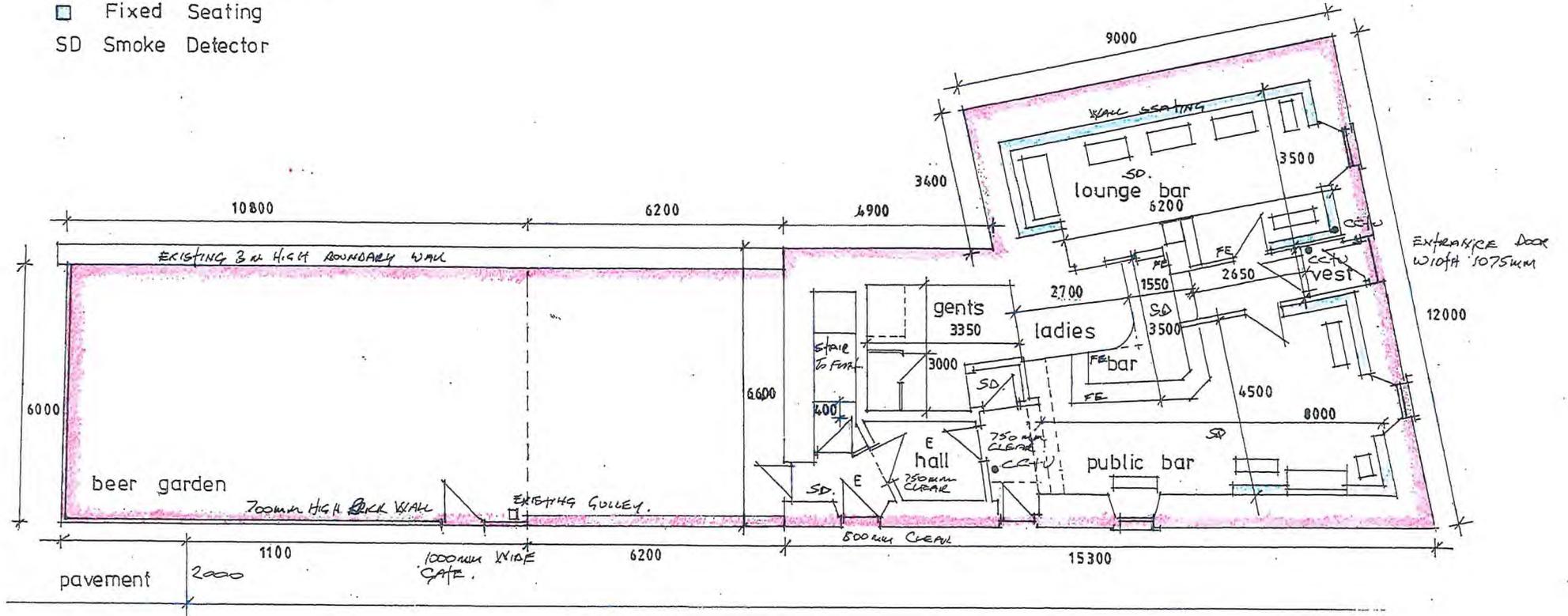
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**\* Data Protection Act 1998**

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

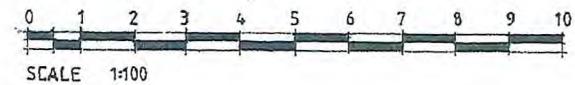
Extent of licenced premises coloured red

- 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



