



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

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Date and Place of Birth of the Proposed Premises Manager.

--

Email Address and Telephone Number of the Proposed Premises Manager

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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.

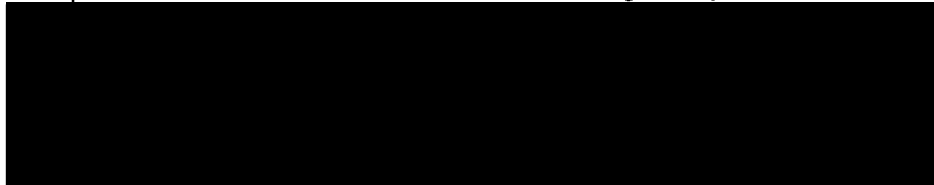
The Contents of This Application Are True to the Best of my Knowledge and Belief.

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

Checklist	
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	YES
*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
<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

Day	OFF Consumption	
	Opening time	Terminal hour
<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>	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

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

<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
5(d) Activity	<i>Please confirm YES/NO</i>	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Outdoor drinking facilities</i>	YES	YES UNTIL 10PM	NO
5(e) Activity	<i>Please confirm YES/NO</i>	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Adult entertainment – 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	YES
	*Delete as appropriate	
6(b)	Where the answer to 6(a) is YES provide statement of the TERMS under which they will be allowed entry	

CHILDREN AND YOUNG PERSONS SHALL BE ALLOWED ENTRY WHEN ACCOMPANIED BY A RESPONSIBLE ADULT

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.

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

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

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

Question 7

CAPACITY OF PREMISES

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

<p>ON SALES - 220</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*

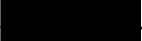
8(e) *Personal licence*

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


DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If Signing on Behalf of the Applicant Please State in What Capacity.

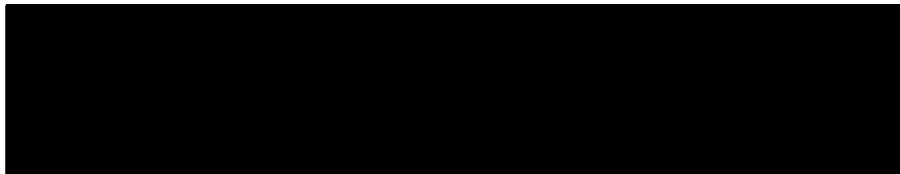
The Contents of This Operating Plan Are True to the Best of my Knowledge and Belief.

Signature * (See Note Below)

Date  29.7.21

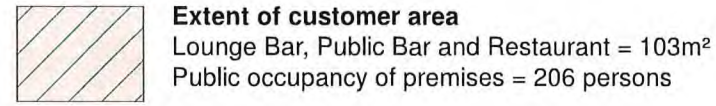
Capacity  APPLICANT/AGENT (Delete as appropriate)

Telephone Number and Email Address of Signatory

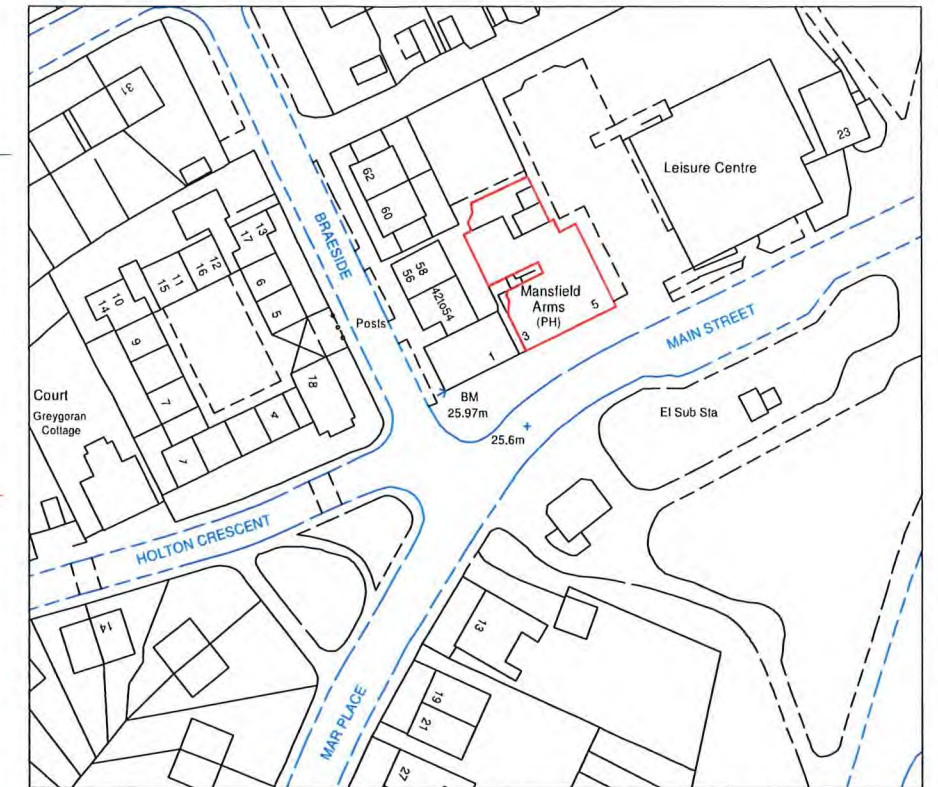


* Data Protection Act 1998

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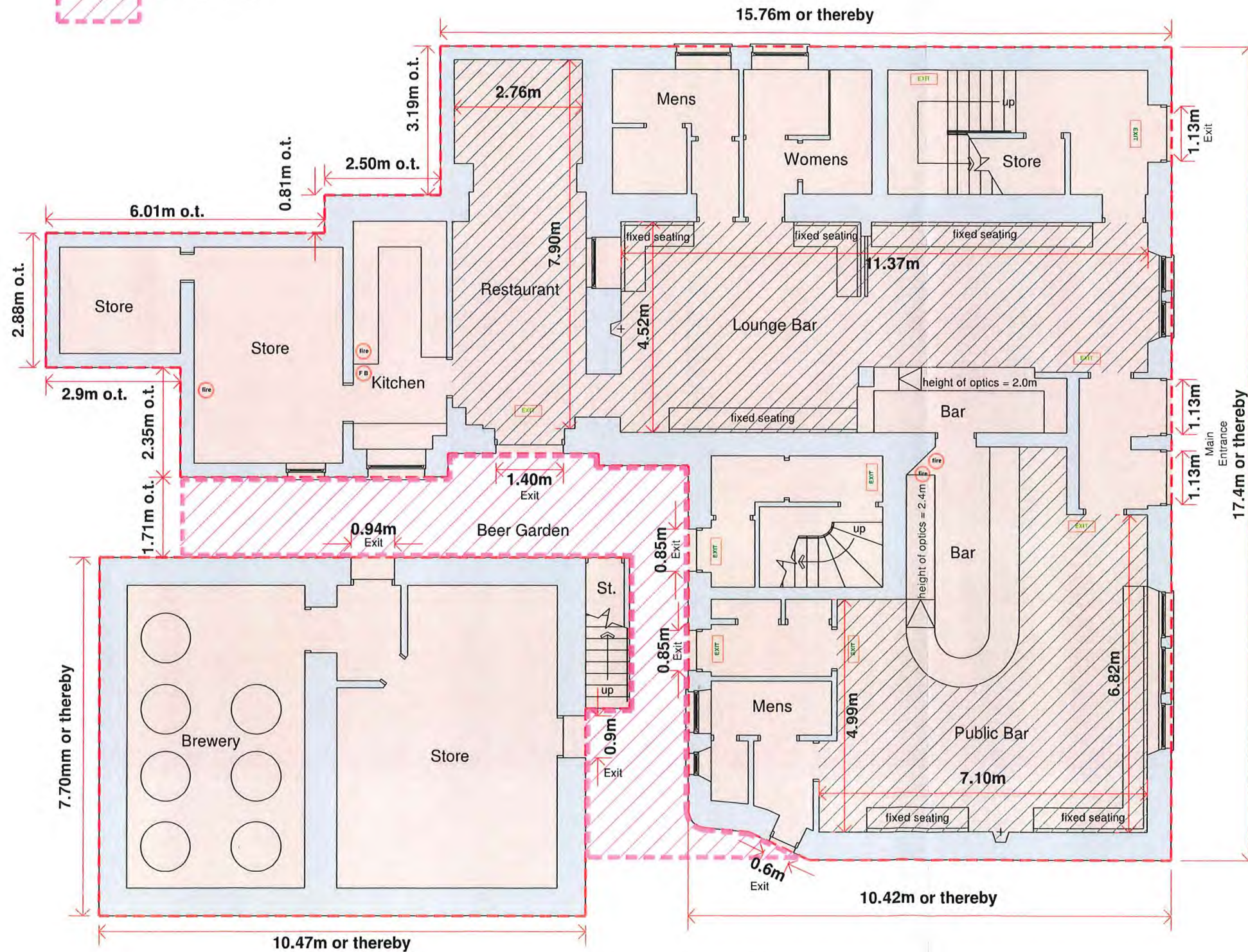


	Fire extinguisher
	Fire blanket
	Illuminated exit signage



0 10 20 30
SCALE 1:1250

SITE LOCATION PLAN 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

SignedDated

FILE No. **PP-21-00385** **A3**

DATE: 28/05/21	DRAWN: PH	SCALE: 1/100	DRWG NO: 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 boundary¹ 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.

¹ 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: 14th 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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