

CLACKMANNANSHIRE LICENSING BOARD

MEETING 10 December 2019 at 09.30am in

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

Licensing (Scotland) Act 2005

Variation(s) (Non Minor)

Premises	Applicant	Date Received	Comments
<p>No 5 Inn Middleton Bridge Brook Street Alva FK12 5JL</p>	<p>David Hamilton White</p>	<p>08 August 2019</p>	<p>Variation to Operating Plan to include:-</p> <p>Change terms of Children’s and Young Persons access to the premises;</p> <p>Add permanent consent for live performances in all parts of the premises (except outdoor drinking area);</p> <p>Amend commencement hour on Sundays for on sales and off sales to 11:00am</p> <p>Amend operating plan to include a seasonal variation to allow live music performances in the out door drinking area on The Famous Alva Games Day each year;</p> <p>Replace existing Local outdoor drinking area conditions with conditions mentioned for outdoor areas as per the Licensing Board Statement of Licensing Policy 2019.</p> <p>Application and Licensing Standards Officer Report (copies attached)</p> <p>No objections/representations received from Police Scotland 18 November 2019</p>



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.

No 5 Inn
Middleton Bridge
Brook Street
Alva
FK12 5JL

Question 2

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

David Hamilton White


DETAILS OF VARIATION

Question 3

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

1. Change terms of Children's and young persons access to the premises.
2. Add permanent consent for live performances in all parts of the premises (except outdoor drinking area)
3. Amended commencement hour on Sundays for on sales and off sales to 11:00am.
4. Amend operating plan to include a seasonal variation to allow live music performances in the outdoor drinking area on The Famous Alva Games day each year.
5. Seek to replace existing Local outdoor drinking area conditions with the conditions mentioned for outdoor areas as per the Licensing Board Statement of Licensing Policy 2019.-

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).

See item 4 above

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 ... [Redacted] ... D H White.* (See Note Below)

Date 1 October, 2019

Capacity **APPLICANT** (Delete as appropriate)

Telephone Number and Email Address of Signatory

[Redacted]
[Redacted]

*** 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?	YES/NO*
1(b) Will alcohol be sold for consumption solely OFF the Premises?	YES/NO*
1(c) Will alcohol be sold for consumption both ON and OFF the Premises?	YES/NO*
*Delete as appropriate	

Question 2

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

DAY	ON CONSUMPTION	
	OPENING TIME	TERMINAL HOUR
MONDAY	11:00 am	Midnight
TUESDAY	11:00 am	Midnight
WEDNESDAY	11:00 am	Midnight
THURSDAY	11:00 am	Midnight
FRIDAY	11:00 am	1:00am
SATURDAY	11:00 am	1:00am
SUNDAY	11:00 am	Midnight

Question 3

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

DAY	OFF CONSUMPTION	
	OPENING TIME	TERMINAL HOUR
MONDAY	11:00 am	10:00 pm
TUESDAY	11:00 am	10:00 pm
WEDNESDAY	11:00 am	10:00 pm
THURSDAY	11:00 am	10:00 pm
FRIDAY	11:00 am	10:00 pm
SATURDAY	11:00 am	10:00 pm
SUNDAY	11:00 am	10:00 pm

Question 4

SEASONAL VARIATIONS

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

The premises may permit live performances in the outdoor drinking area and the consumption of alcohol until 11pm only on the day of the Famous Alva Games each year.

Question 5

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

COL. 1 5(a) Activity	COL. 2 Please Confirm YES/NO	COL. 3 To Be Provided During Core Licensed Hours Please Confirm YES/NO	COL. 4 Where Activities Are Also to Be Provided Outwith Core Licensed Hours Please Confirm YES/NO
Accommodation	No	N/A	N/A
Conference Facilities	No	No	No
Restaurant Facilities	Yes	Yes	No
Bar Meals	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
Receptions Including Wedding, Funerals, Birthdays, Retirements Etc.	Yes	Yes	Yes
Club of Other Group Meetings etc.	Yes	Yes	No
5(b) Activity Entertainment Including:	Please Confirm YES/NO	To Be Provided During Core Licensed Hours Please Confirm YES/NO	Where Activities Are Also to Be Provided Outwith Core Licensed Hours Please Confirm YES/NO
Recorded Music – see 5(g)	Yes	Yes	No
Live Performance – See 5(g)	Yes	Yes	No
Dance Facilities	Yes	Yes	No

Theatre	No	No	No
Films	No	No	No
Gaming	Yes	Yes	No
Indoor/Outdoor Sports	No	No	No
Televised Sport	Yes	Yes	No
5(d) Activity	Please Confirm YES/NO	To Be Provided During Core Licensed Hours Please Confirm YES/NO	Where Activities Are Also to Be Provided Outwith Core Licensed Hours Please Confirm YES/NO
Outdoor Drinking Facilities	Yes	Yes (Only Until 10pm)	NO
5(e) Activity	Please Confirm YES/NO	To Be Provided During Core Licensed Hours Please Confirm YES/NO	Where Activities Are Also to Be Provided Outwith Core Licensed Hours Please Confirm YES/NO
Adult Entertainment*	No	No	No

* Adult Entertainment means any form of entertainment which-
(a) involves a person performing an act of an erotic or sexually explicit nature; and
(b) is provided wholly or mainly for the sexual gratification or titillation of the audience

Where you have answered **YES** in respect of any entry in Column 4 above, please provide further details below

Occasionally cater for funerals before 11 am – No alcohol served.

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	YES/NO*
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When Fully Occupied Are There Likely To Be More Customers Standing Than Seated	YES/NO*
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*Delete As Appropriate	
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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/NO*
		Yes

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

<p>At the discretion of the staff on duty at the time, Children and young persons will be permitted entry to the premises when accompanied by an adult (parent or guardian) over the age of 18 years.</p>
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6(c) Provide Statement Regarding the **AGES** of children or Young Persons to be Allowed Entry

0-17 years of age

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

11:-00 am – 9:00pm

However children and young persons will be allowed to remain on the premises after 9:00pm to finish a meal ordered prior to 9pm.

In addition children and young persons will be allowed to remain on the premises until the end of licensed hours when attending a pre booked, private family function, such as a birthday party, engagement party or family wedding.

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

All public areas.

Question 7

CAPACITY OF PREMISES

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

150

Question 8

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

Personal Details


8(a) Name

Alison Lily Allan White

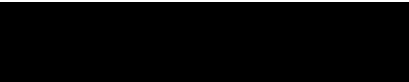
8(b) Date of Birth



8(c) Contact Address


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8(d) Email Address



8(e) Personal Licence

Date of Issue	Name of Licensing Board Issuing	Reference No. Of Personal Licence
27 May 2009	Clackmannanshire Licensing Board	CC/158

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

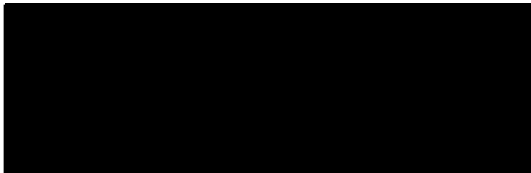
The Contents of This Operating Plan Are True to the Best of my Knowledge and Belief.

Signature D H White.* (See Note Below)

Date 1 October, 2019

Capacity APPLICANT (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



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/CC152**

Your Ref:

Date: **26 November, 2019**

Subject: **Licensing (Scotland) Act, 2005. Section 29
Application for a Non Minor Variation
The No 5 Inn, Middleton Bridge Brook Street Alva, FK12 5JL**

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 seeks to vary the premises licence No CC152 in the following ways :
 - a) Change the terms of children's and young person's access to the premises.
 - b) Add a permanent consent for live performances on the premises.
 - c) Amend the commencement hour on Sundays to allow alcohol sales from 11am.
 - d) Amend the operating plan to include a seasonal variation to allow live music performances in the outdoor area on the day of the "Famous Alva Games" each year.
 - e) Replace the existing outdated local outdoor drinking conditions with any selection of the pool conditions mentioned in the Licensing Board Statement of Licensing Policy (excerpt attached at Appendix B) as the Board see fit and necessary for the purposes of the licensing objectives.
3. In relation to matters at a, b, and c above I have no comment to make other than to highlight that these changes cause me no concern and simply bring the premises into line with other similar premises operating within Clackmannanshire.
4. The Premises Manager and Premises Licence Holder both understand the additional responsibilities involved in allowing children and young persons onto the premises at a later hour than previously permitted.
5. In relation to Item d, the specific wording in the operating plan under seasonal variations would, if granted, permit the licence holder to allow a live performance in the outdoor area only on the Saturday night of Alva Games. The performance would be allowed to continue until 11pm, and then must stop. This unusual seasonal variation has been

discussed with the applicant who has offered assurances that any performance would be sympathetic to the surrounding residential area and they fully understand that they would still be bound by the terms of the preventing public nuisance licensing objective.

6. I am not particularly concerned that allowing this live performance arrangement on the single day of the historic Alva Games day, a longstanding village celebration, would create any great difficulty that could not be managed. The Board will be well aware that this variation can be easily reversed if it results in a breach of the licence conditions or of the Licensing Objectives.
7. In relation to part e. above, the applicant recognises that the recent amendments to the Statement of Licensing Policy, contains a modernisation of the licensing conditions that effect outdoor drinking areas and he invites the Licensing Board to remove the existing conditions on his licence and replace them with an appropriate selection of the conditions from the pool list contained within the 2018 Policy.
8. I am more than happy to assist the Board with suggested conditions (relevant to this particular site) from the pool list at hearing held to consider this matter.
9. In the event that the Licensing Board grant this application in its entirety, I would suggest that it is necessary and expedient for the purposes of the licensing objectives to apply suitable conditions to manage the outdoor drinking area and the additional local conditions listed in Appendix A of this report.



Licensing Standards Officer.

Appendix A

Suggested Local Conditions

(to be applied in addition to any local conditions connected with the use of the outdoor drinking area)

- Children and young persons will only be admitted to the premises in accordance with the circumstances detailed in the operating plan (i.e. for meals/drinks and pre booked events) and that any such Pre-booked events are recorded in an events diary kept on the premises. Any such diary should be kept on the premises at all times and be available for inspection by the Police and Licensing Standards Officer at any time when the premises are open.
- Consumption of alcohol in the outdoor drinking area prohibited after 10.00pm (except on Alva games night where alcohol consumption will be permitted until 11:15pm)
- The disposal of glass and other waste material likely to generate noise, from the premises, to a bin or other receptacle outside the confines of the building is prohibited between 9.00pm and 8.00am each day.

Appendix B

Appendices

Appendix 1 Local Licensing Conditions

The following lists of Local Licensing Conditions are those conditions that have now become common place on certain types of licence or in the case of Occasional Licences for certain types of events.

As a matter of Policy applicants can expect to see these types of conditions applied where it is necessary and expedient to do so for the purposes of securing compliance with the licensing objectives.

The lists are not exclusive and each application will be treated on its own merits, however the Board felt that it would be beneficial to reproduce a sample of the types of conditions on common use.

Many of the more generic conditions maybe applied to several different categories of event.

Some may apply across all type of event and some are specific

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. (other times may be agreed in appropriate circumstances)
- 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.