



**21 August 2020**

**A MEETING of the CLACKMANNANSHIRE LICENSING BOARD (SUB COMMITTEE) will be held via MS Teams, on TUESDAY 1 SEPTEMBER 2020 at 9.30 AM.**



**pp. LINDSAY THOMSON**  
**Clerk to the Clackmannanshire Licensing Board**

	<b>Page No</b>
1. Apologies	--
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. <b>Licensing (Scotland) Act 2005 – Occasional Licence Applications</b>	<b>03</b>
(a) Applications for Occasional Licence and report by the Licensing Standards Officer (Copies herewith)	<b>04</b>
Premises: <b>Bobbing John</b> , 24 Drysdale Street, Alloa, FK10 1JL	
Applicant: JD Wetherspoons	
Event: Outside Drinking Area	
Dates: 12 - 25 September 2020, 26 September 2020 – 8 October 2020 and 9 - 22 October 2020	

## 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, QPM	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

**CLACKMANNANSHIRE LICENSING BOARD**

**MEETING 01 September 2020 at 09:30am**

**Via MS Teams**

**Licensing (Scotland) Act 2005**

**Occasional Licence Applications**

<b>Premises</b>	<b>Applicant</b>	<b>Date of Events</b>	<b>Comments</b>
<b>Bobbing John 24 Drysdale Street Alloa FK10 1JL</b>	<b>JD Wetherspoons (Scots) Ltd c/o Brunton Miller Solicitors Glasgow G20 6NB</b>	<b>12 - 25 September 2020 26 September 2020 – 08 October 2020 09 -22 October 2020</b>	<p><b>Applications, LSO Report, (copies attached)</b></p> <p><b>Layout Plan supplied Applicant agrees to previous conditions imposed by Board Members</b></p> <p><b>Police Scotland responses no objections 19 August 2020</b></p>

# Licensing Board



**Clackmannanshire  
Council**

www.clacksweb.org.uk

## Application for an Occasional Licence

To:

Clerk to the Licensing Board  
Clackmannanshire Council  
Kilncraigs  
Alloa  
FK10 1EB

Before Completing this Form Please Carefully Read the Guidance Notes issued along with the Application. If completing by Hand, Please Write Legibly in **Block Capitals**. In all Cases Ensure that your Answers are Inside the Boxes and Written or Typed in **BLACK INK**. Use additional sheets if necessary.

You May Wish to Keep a Copy of the Completed Form for Your Records.

1. Licence Details (see note 1)	
I am a :- (please tick one only)	
Premises Licence Holder	<input checked="" type="checkbox"/> JD WETHERSPOON (SCOT) LTD C/O BRUNTON MILLER, 22 HERBERT ST, GLASGOW G20 6NB
Personal Licence Holder	<input type="checkbox"/>
Representative of a Voluntary Organisation	<input type="checkbox"/>
Representative of a Members Club	<input type="checkbox"/>
Name and Address of Premises	BOBBING JOHN, 46 DRYSDALE STREET, ALLOA FK10 1JL
Licence number and Issuing Licensing Board (if applicable)	CC181
Personal licence number (if applicable) Issuing Licensing Board	

Name of voluntary organization or Members Club (if applicable)			
Name of Personal Licence Holder And Licence No. of person Responsible for authorized sales of Alcohol at event (see guidance notes)			
<b>2. Personal Details</b>			
Full Name	Surname	First Name	
If you are applying on behalf Of a Club or voluntary			
Organization please state your position in that club/organization or provide other evidence that you are authorized or entitled to apply on their behalf.			
Address where ordinarily resident to be used for correspondence purposes.			
Telephone Number			
Email Address (if you would prefer us to correspond with you by email)			
Age, Date & Place of Birth	Years	Date of Birth	Place of Birth
<b>3. The Premises (See note and answer fully)</b>			
Description of Premises -  Town Centre Public House.			
Full Postal Address of Premises which this Application Refers to  46 Drysdale Street, Alloa FK10 1JL.			

Description of Activities to be Carried on in the Premises (see note and answer fully)	
Service of food, soft drinks and alcohol.	
Approximately how many persons will attend event?	16
Will Stewards to be provided?	YES / NO (if external area open between 6-10pm on Fridays and Saturdays)
Is food to be provided at the event	YES / NO
If YES - please provide details	
Usual Public House Menu will apply.	
<b>4. Duration of Licence</b>	
Start Time and Date	End Time and Date
12 <sup>th</sup> September 2020	25 <sup>th</sup> September 2020
<b>5. Alcohol Consumption</b>	
Is Alcohol to be sold for consumption On the premises?	YES / NO
Is Alcohol to be sold for consumption Off the premises?	YES / NO
Provide details as to hours required when alcohol will be sold On / Off* the premises *delete as appropriate	
Times for sale of alcohol for Consumption - On premises	Times for sale of alcohol for Consumption - Off premises
11am to 10pm	N/A
Statement of the times at which any activities other than the sale of alcohol Will be carried on in the premises	
8am to 10pm.	

<b>6. Children</b> (This section must be completed where alcohol is for sale for consumption on the premises)	
Are children or young persons permitted entry?	YES / NO
<b>If Yes - the remainder of this section must be completed</b>	
Will Children (0 -15yrs) and Young Persons (16 & 17 yrs) require To be accompanied by a parent or person over the age of 18 yrs?	Children – yes Young persons – no
Ages of Children or Young Persons Permitted Entry  0-17 years	Times at which Children or Young Persons Permitted Entry  Until 8pm.
Parts of Premises to which Children or Young Persons Permitted Entry  All public parts.	
<b>7. Signature and Declaration by Applicant</b>	
<b>DECLARATION</b>	
<b>IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION</b>	
(Criminal Law (Consolidation) (Scotland) Act 1995 Section 44(2)(b))	
The Contents of This Application Are True to the Best of my Knowledge and Belief.	
Signature	Dated 4/8/20

Archie Maciver Esq., Messrs Brunton Miller, Solicitors, 22 Herbert Street, Glasgow G20 6NB  
 Telephone: 0141-337-1199  
 Email: [archiemaciver@bruntonmiller.com](mailto:archiemaciver@bruntonmiller.com)

N/EB/OCCASIONALS & EXTENDED/ Bobbing John, 46 Drysdale St, Allow FK10 1JL. 12.8.2020  
 ADM/CA

**\* Date 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

Checklist	
I have made or enclosed payment of The fee for the application	





**Clackmannanshire Licensing Board**

**Occasional Licence Application**

**Supplementary information form**

**Have you read and understood that your licence, if granted may be subject to the conditions, listed in this guidance?**

**Yes/No**

**Do you consent to these conditions being applied to the licence on grant?**

**Yes/No**

**Have you made contact with the Planning Department at Clackmannanshire Council to discuss you proposals?**

**Yes/No**

**Have you made contact with the Roads Department (Public Spaces only) to discuss your proposals?**

**Yes/No**

**Please confirm that you have enclosed a sketch plan of showing the location, dimensions and seating arrangements in the proposed licensed area.**

**Name** *Barbara Morrice*

**Email Address :**

**Telephone No:**

**Name of Premises**

**Signed** .....

**Date** *24/05/*.....2020

**Useful email addresses**

[Licensing@clacks.gov.uk](mailto:Licensing@clacks.gov.uk)

[roads@clacks.gov.uk](mailto:roads@clacks.gov.uk)

[planning@clacks.gov.uk](mailto:planning@clacks.gov.uk)

[health@clacks.gov.uk](mailto:health@clacks.gov.uk)

# Licensing Board



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## Application for an Occasional Licence

To:

Clerk to the Licensing Board  
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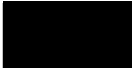
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If you are applying on behalf Of a Club or voluntary			
Organization please state your position in that club/organization or provide other evidence that you are authorized or entitled to apply on their behalf.			
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If YES - please provide details	
Usual Public House Menu will apply.	
<b>4. Duration of Licence</b>	
Start Time and Date	End Time and Date
26 <sup>th</sup> September 2020	8 <sup>th</sup> October 2020
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Is Alcohol to be sold for consumption On the premises?	YES / NO
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The Contents of This Application Are True to the Best of my Knowledge and Belief.	
Signature	
Dated	14/8/20

Archie Maciver Esq., Messrs Brunton Miller, Solicitors, 22 Herbert Street, Glasgow G20 6NB  
Telephone: 0141-337-1199  
Email: [archiemaciver@bruntonmiller.com](mailto:archiemaciver@bruntonmiller.com)

N/EB/OCCASIONALS & EXTENDED/ Bobbing John, 46 Drysdale St, Allow FK10 1JL. 12.8.2020(2)  
ADM/CA

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# Licensing Board



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Clerk to the Licensing Board  
Clackmannanshire Council  
Kilncraigs  
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9 <sup>th</sup> October 2020	22 <sup>nd</sup> October 2020
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The Contents of This Application Are True to the Best of my Knowledge and Belief.	
Signature	 Dated 14/8/20

Archie Maciver Esq., Messrs Brunton Miller, Solicitors, 22 Herbert Street, Glasgow G20 6NB  
Telephone: 0141-337-1199  
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N/EB/OCCASIONALS & EXTENDED/ Bobbing John, 46 Drysdale St, Allow FK10 1JL. 12.8.2020(3)  
ADM/CA

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**Partnership and Performance**

Kilncraigs, Greenside Street, Alloa, FK10 1EB  
Telephone: 01259 450000



**Clackmannanshire  
Council**

www.clacks.gov.uk

Comhairle Siorrachd  
Chlach Mhanann

## Memo

<b>To:</b>	<b>The Clerk to the Licensing Board Greenfield Alloa FK10 2AD</b>	<b>From:</b>	<b>Paul Fair Licensing Standards Officer</b>
		<b>Extension:</b>	<b>2091</b>
		<b>Email:</b>	<b>pfair@clacks.gov.uk</b>
		<b>Our Ref:</b>	<b>PF/LSO/OL/CV19 REP</b>
		<b>Your Ref:</b>	<b>2020-OCCLIC (Set2 -3 apps)</b>
		<b>Date:</b>	<b>18 August 2020</b>
<b>Subject:</b>	<b>Licensing (Scotland) Act, 2005, Section 57 (3) 3 x Occasional Licence Applications - Outdoor Area Applicant- JD Wetherspoon (Scotland) Limited CC181- Premises Licence Holder Footpath area in front of The Bobbing John, 46 Drysdale Street, Alloa.</b>		

Section 57(1)(b) of The Licensing (Scotland) Act, 2005 (the Act) requires that the Licensing Board notifies the Licensing Standards Officer for the area in relation to any application for an occasional licence. This section further provides that the Licensing Standards Officer is provided with a copy of the application.

Having considered the content of the applications to which this representation relates, I have the following comments to make:

1. This representation relates to 3 occasional licences each lasting for a period of 14 days, and seeking authority to make sales of alcohol for on sales consumption in an outdoors space which is not currently part of the licensed footprint of the premises retail environment at the above address.
2. The 3 applications seek to licence the premises from 12 September 2020 for a continuous period of 6 weeks until 22 October 2020.
3. The purpose of an occasional licence is to allow premises that are not normally licensed to be licensed "occasionally". Not necessarily for a special event or special occasion.
4. Scottish Government announced that as part of the stage 2 "easing lockdown" process, during the SARS-CoV-2 pandemic, outdoor food and drink areas, including licensed areas could open from Monday 6 July 2020, with indoor areas being opened from 15 July.
5. Clackmannanshire Council has received many enquiries and applications relating to the licensing of new outdoor areas on a variety of land types adjacent to

existing licensed premises. This representation relates to one of those applications.

6. On Friday 3 July 2020, the Licensing Board approved the use of a pre-application guidance document for those wishing to licence a new outdoor area. The applicant in this case has had the opportunity to view the document, has completed the supplementary information form and has acknowledged the understanding statement. The applicant has accepted the suggested conditions in that document and fully understands that additional conditions, from the pool list contained in the statement of licensing policy, may also be applied as local conditions.
7. The area in this case is part of the footpath (as shown on the attached drawing) in Drysdale Street, Alloa and is owned by the Clackmannanshire Council. The area is suitable for licensing in the current circumstances.
8. The applicant is aware that they should only use personal licence holders or other staff trained to the standards required by the Licensing (Training of Staff)(Scotland) Regulations 2007 to sell alcohol at the premises.
9. The applicant has also been advised that any staff left in charge at the premises should be the holder of a personal licence or should be able to make immediate contact with a personal licence holder responsible for the management of the premises, during all licensed hours.
10. This application covers a area of footpath along the majority of the frontage of one of Alloa's largest licensed venues. There are a number of other licensed premises in the immediate vicinity, and it is fair to say that there have been incidents of anti social behaviour in the immediate vicinity of these premises.
11. The Board may want to consider whether or not it is necessary and expedient for the purposes of the licensing objectives to have this particular licensed premises supervised by a suitably licensed SIA Steward or Stewards working in conjunction with the staff appointed to the area. This may only be necessary at key busy periods and I would suggest from 6pm to Closure at 10pm on a Friday and Saturday when the outdoor area is in use maybe the key period when public nuisance, crime and disorder is most likely. If the Board is minded to apply such a local condition I have drafted a suggested local condition at the end of Appendix A (No. 8).
12. Appendix A contains a list of suggested conditions that the Licensing Board may wish to impose on granting this application. These conditions are necessary to ensure compliance with the licensing objectives contained within The Licensing (Scotland) Act, 2005.

  
Licensing Standards Officer.

## Appendix A

- 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 (For Licensed public spaces only) 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 All outdoor areas will be operated in compliance with the current Scottish Government guidance for Licensed Outdoor Drinking areas, including any amendments to that guidance which occurs in the duration of the licence.
- 8 The licensed area must be supervised by an SIA licensed Steward between 6pm and closure on each Friday and Saturday (applies only when the area is in use).