

# Licensing Board

DATE OF EVENT  
 LICENCE NO  
 TO POLICE & WE

**THIS PAPER RELATES TO  
 ITEM 3b  
 ON THE AGENDA**

*Royal Oak*

*14 SEPTEMBER 2020*

## 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 – Outdoor Drinking Area Extension At The Royal Oak Hotel, Alloa	
I am a:	
Premises Licence Holder	<input type="checkbox"/>
Personal Licence Holder	<input checked="" type="checkbox"/>
Representative of a Voluntary Organisation	<input type="checkbox"/>
Representative of a Members Club	<input type="checkbox"/>
Name and Address of Premises	THE ROYAL OAK HOTEL, 7 BEDFORD PLACE, ALLOA, CLACKS, FK10 3DE CC203 – CLACKS COUNCIL
Licence number and Issuing Licensing Board	N/A
Personal licence number Issuing Licensing Board	CC102 – CLACKS COUNCIL



# Licensing Board

<b>Name of voluntary organisation or Members Club (if applicable)</b>		N/A	
<b>Name of Personal Licence Holder and Licence No. of person responsible for authorising sales of alcohol at event</b>		CRAIG STEWART – CC102	
<b>2. Personal Details</b>			
<b>Full Name</b>	<b>Surname</b>	<b>First Name</b>	
	STEWART	CRAIG	
<b>Address where ordinarily resident to be used for correspondence purposes.</b>	THE ROYAL OAK HOTEL 7 BEDFORD PLACE ALLOA FK10 1LJ		
<b>Telephone Number</b>	01259 929587	[REDACTED]	
<b>Email Address</b>	THEROYALLOAK.ALLOA@GMAIL.COM		
<b>Age, Date &amp; Place of Birth</b>	Years	Date of Birth	Place of Birth
	[REDACTED]		
<b>3. The Premises (See note and answer fully)</b>			
<b>Description of Premises:</b>			
<p>THE ROYAL OAK HOTEL, ALLOA – The Royal Oak hotel, bar and restaurant is a busy community hub in Alloa, located just out with the town centre. The hotel was built in the late 1820's and currently has 7 rooms for hire as well as a vibrant restaurant and lively bar. It currently has category C listing with historic Scotland.</p> <p>We are currently closed due to Covid-19 lockdown, but are looking to utilise a car parking space out the back of the building as a temporary drinking area with 10 tables and 6 seated benches. These will all configure with social distancing regulations. The area will be temporarily fenced off at the end of the car park to prevent any cars from entering the area.</p> <p>We would be looking to have this temporary arrangement in place until the pandemic is brought to a level of containment or culmination, which would allow us to trade as normal.</p>			
<b>Full Postal Address of Premises which this Application Refers to:</b>			
THE ROYAL OAK HOTEL 7 BEDFORD PLACE ALLOA CLACKMANNANSHIRE FK10 1LJ			



## Licensing Board

### Description of Activities to be Carried on in the Premises

**TEMPORARY OUTDOOR DRINKING AREA.** We are looking to utilise a car parking space out the back of the building as a temporary drinking area with 10 tables and 6 seated benches. These will all configure with social distancing regulations. The area will be temporarily fenced off at the end of the car park to prevent any cars from entering the area.

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We would like to, if permitted, have the option to open the outdoor area from 11.00am with a closing time of 22.00pm. Last orders would be at 21.15pm with the full area cleared and cleaned down by 22.00pm at the latest. We will be flexible on this, and would cohere to any proposals.

There will be table service for drinks, with card payments encouraged. There will be one person pouring drinks in the bar area, and someone dealing with customer registration at the front door if still required. We hope that by doing this we will have complete control on the numbers of people in the area at all times.

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<b>Approx. how many persons will attend event?</b>	60
<b>Will Stewards to be provided?</b>	No
<b>Is food to be provided at the event</b>	YES
<b>If Yes - please provide details:</b>	
We will be looking to utilise some of the tables out back, if the demand is there, as an extension to the restaurant as well. These would need to be booked in advance and for a certain time period	

#### 4. Duration of Licence

Start Time and Date	End Time and Date
11.00am Monday, 28 <sup>th</sup> September, 2020	22.00pm Sunday, 11 <sup>th</sup> October, 2020



## Licensing Board

5. Alcohol Consumption	
Is Alcohol to be sold for consumption on the premises?	Yes
Is Alcohol to be sold for consumption off the premises?	Yes
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  11.00am – 22.00pm	Times for sale of alcohol for consumption - Off premises  11.00am – 22.00pm
<p><b>Statement of the times at which any activities other than the sale alcohol will be carried on in the premises:</b></p> <p>The drinking area will open at 11.00am each day, or as permitted, and will close at 22.00pm, or as permitted.</p> <p>Last orders will be called 21.15pm for on premise sales with the bar closing for on and off sales at 21.30pm.</p> <p>The outdoor area will be completely cleared by 22.00pm</p>	

6. Children	
(This section must be completed where alcohol is for sale for consumption on the premises)	
Are children or young persons permitted entry?	Any advice on this would be appreciated
If Yes - the remainder of this section must be completed	
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?	YES
Ages of Children of Young Persons Permitted Entry  0-17 years	Times at which Children or Young Persons Permitted Entry  12.00am until 19.00pm Restaurant/ food only and only if accompanied by an adult. Again, only if the board is willing to allow this option.
<p><b>Parts of Premises to which Children or Young Persons Permitted Entry</b></p> <p>Only the parts of the premises covered by the licence application or those permitted by the Licence Board</p>	



# Licensing Board

7. Signature and Declaration by Applicant			
<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	<i>Craig Stewart</i>	Dated	Wednesday, 19 <sup>th</sup> August, 2020

### \* 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

Checklist	
I have made or enclosed payment of the fee for the application	<b>X</b>

### NOTES

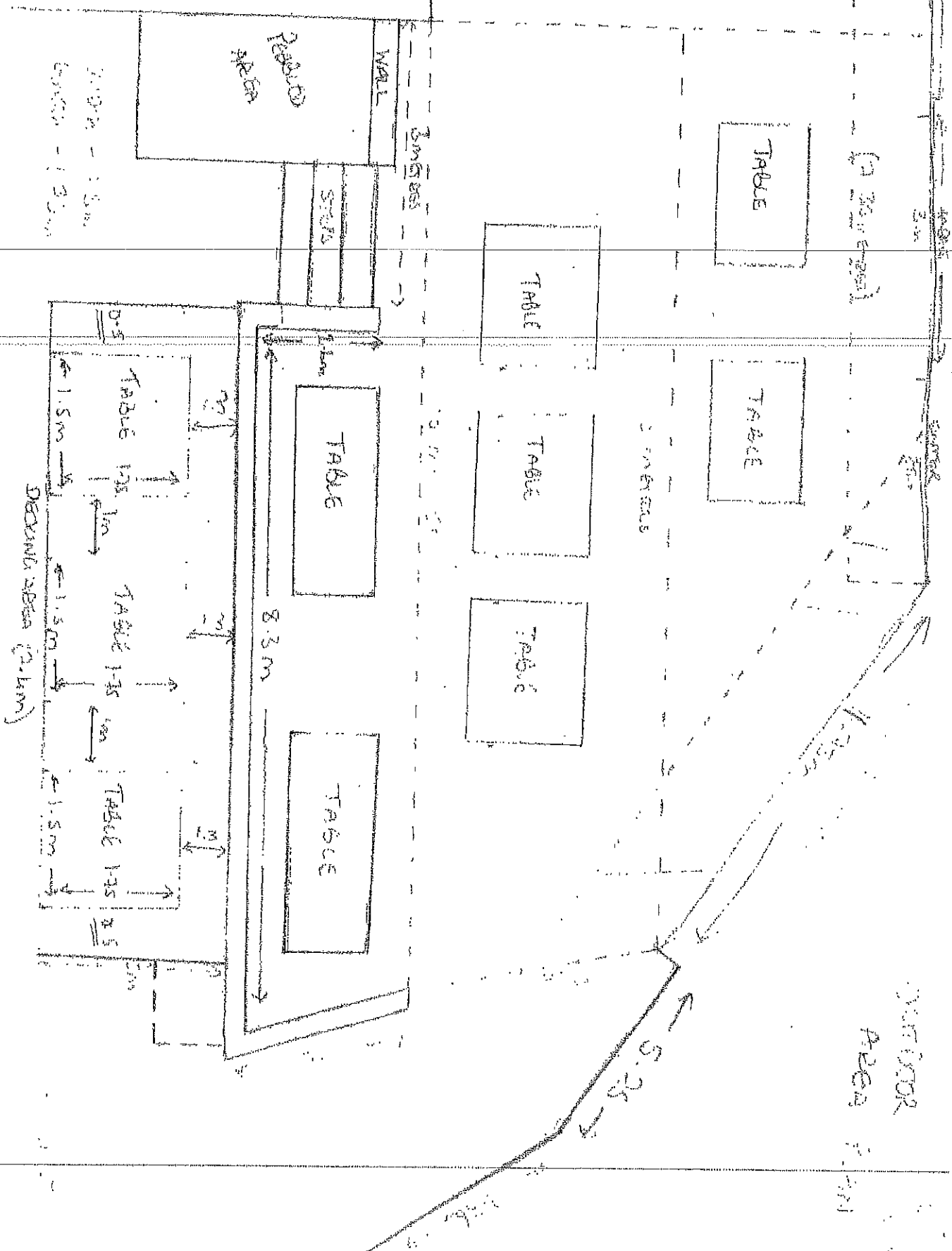
- Section 56 of the Licensing (Scotland) Act 2005 provides that only:
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  - The holder of a personal licence; or
  - A representative of any voluntary organisation is eligible to apply for an occasional licence
- Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are a statement of the terms on which they are allowed entry
- Data Protection Act 1998  
  
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- Information on the Licensing (Scotland) Act 2005 is available on the website of the Scottish Parliament

[http://www.opsi.gov.uk/legislation/scotland/acts2005/asp\\_20050016\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/acts2005/asp_20050016_en_1)

BMS

NOT IN USE

N F O R W O R L D



ROYAL  
OAN

**Clackmannanshire Licencing 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 *NA*

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

Yes/No *NA*

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

Yes/No *NA*

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

Name  
Email Address :  
Telephone No:

Name of Premises

Signed 

# Licensing Board

Royal Oak

DATE OF EVENT	12-25 Oct 2020
LICENCE NO	20/00320/occnc
TO POLICE & WEB	4 September 2020

## Application for an Occasional Licence

To:

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

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<b>I am a:</b>	
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<b>Personal Licence Holder</b>	<input checked="" type="checkbox"/>
<b>Representative of a Voluntary Organisation</b>	<input type="checkbox"/>
<b>Representative of a Members Club</b>	<input type="checkbox"/>
<b>Name and Address of Premises</b>	THE ROYAL OAK HOTEL, 7 BEDFORD PLACE, ALLOA, CLACKS, FK10 3BE 143 CC203 – CLACKS COUNCIL
<b>Licence number and Issuing Licensing Board</b>	N/A
<b>Personal licence number Issuing Licensing Board</b>	CC102 – CLACKS COUNCIL





# Licensing Board

<b>Name of voluntary organisation or Members Club (if applicable)</b>		N/A	
<b>Name of Personal Licence Holder and Licence No. of person responsible for authorising sales of alcohol at event</b>		CRAIG STEWART – CC102	
<b>2. Personal Details</b>			
<b>Full Name</b>	<b>Surname</b>	<b>First Name</b>	
	STEWART	CRAIG	
<b>Address where ordinarily resident to be used for correspondence purposes.</b>	THE ROYAL OAK HOTEL 7 BEDFORD PLACE ALLOA FK10 1LJ		
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<b>Approx. how many persons will attend event?</b>	60
<b>Will Stewards to be provided?</b>	No
<b>Is food to be provided at the event</b>	YES

**If Yes - please provide details:**

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### 4. Duration of Licence

Start Time and Date	End Time and Date
11.00am Monday, 12 <sup>th</sup> October, 2020	22.00pm Sunday, 25 <sup>th</sup> October, 2020



## Licensing Board

5. Alcohol Consumption	
Is Alcohol to be sold for consumption on the premises?	Yes
Is Alcohol to be sold for consumption off the premises?	Yes
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# Licensing Board

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The contents of this Application are true to the best of my knowledge and belief			
Signature	<i>Craig Stewart</i>		Dated <b>Wednesday, 19<sup>th</sup> August, 2020</b>

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Checklist	
I have made or enclosed payment of the fee for the application	<b>X</b>

### NOTES

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# Licensing Board

DATE OF EVENT	26/10-8/11-2020
LICENCE NO	20/00324/0CCWC
TO POLICE & WEB	4 September 2020

## Application for an Occasional Licence

To:

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

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Licence number and Issuing Licensing Board	N/A
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# Licensing Board

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# Licensing Board

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<b>Start Time and Date</b>	<b>End Time and Date</b>
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## Licensing Board

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# Licensing Board

7. Signature and Declaration by Applicant			
<b>DECLARATION</b>			
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(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	<i>Craig Stewart</i>		Dated <b>Wednesday, 19<sup>th</sup> August, 2020</b>

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Checklist	
I have made or enclosed payment of the fee for the application	<b>X</b>

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## 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/OL/CV19 REP**

**Your Ref: 2020-OCCLIC (set3-3 apps)**

**Date: 10 September 2020**

**Subject: Licensing (Scotland) Act, 2005, Section 57 (3)  
3 x Occasional Licence Applications - Outdoor Area  
Applicant- Craig Stewart, The Royal Oak, Alloa.  
Car Park area adjacent, and to the rear of The Royal Oak, Alloa.**

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 at the above address.
2. The 3 applications seek to licence the premises from 28 September 2020 for a continuous period of 6 weeks until 8 November 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. If these applications are granted it will result in continuous licensed period of 18 weeks in relation to this area. The applicant is aware that he should be looking to a more permanent licensing solution if he wishes to continue the use of this area in the longer term.
5. I should point out to the Licensing Board that from 1<sup>st</sup> October (selected only as an indicative date) the sunset time is 18:48hrs reducing by 2-3 minutes each day thereafter. Ultimately darkness will fall at around 16:20hrs by the 8<sup>th</sup> November, 2020.

6. In light of the information contained in paragraph 5 the Board may want to consider whether or not the continued use of this large outdoor area is appropriate as a licensed area, and they may wish to seek additional information from the applicant in relation to how he will address matters of adequate supervision and customer safety during colder, dark periods with an increased chance of adverse weather.
7. Increased bright lighting in the area, could cause rise to complaints from local residents whose property is overlooked by the beer garden area.
8. 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.
9. The land in this case is an area used for car parking at the rear of the premises and is owned by the premises. The area is suitable for licensing in the current circumstances, and is adjacent to an existing licensed outdoor drinking area.
10. In the 12 week period of licensing of this area that has already passed, the use of the area has attracted a number of complaints and enquiries from local residents.
11. As part of the routine enquiries into this set of occasional licences the Licensing Standards Officer has consulted with the Environmental Health department. Senior EHO, Helen Henderson, has provided information in relation to the premises that appears to be relevant to the preventing public nuisance licensing objective and is perhaps connected to the preventing crime and disorder objective. This information is contained within appendix B attached to this report.
12. It may be that the Licensing Board would wish to hear directly from Helen Henderson or another officer speaking on behalf of Environmental Health and I am advised that someone would be available via Microsoft Teams to attend any hearing of the Licensing Board.
13. Having considered all the information within this report and any other sources of information as they see fit, the Board are asked to determine whether or not a ground for refusal of these applications exist.
14. Appendix A contains a list of suggested conditions that the Licensing Board may wish to impose in the event that they decide to grant this application. These conditions are necessary to ensure compliance with the licensing objectives contained within The Licensing (Scotland) Act, 2005.

*Paul Fair*

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.

## Appendix B

Environmental Health are dealing with a noise complaint regarding the beer garden located at the rear of the Royal Oak Hotel in Alloa.

The complainant lives at [REDACTED]. The property is a first floor flat and the living accommodation all looks onto the beer garden at the Royal Oak. They contacted Environmental Health due to the disturbance caused by the beer garden being busy with 40-50 individuals on a regular basis from lunchtime through to 10pm. Due to the layout of the property, the only option to get respite from the noise is to leave the property as the living room and bedroom look onto the beer garden. The complainant understands that they are living next to licensed premises and there will be some disturbance however the scale of the permitted beer garden has been difficult.

I can confirm that I visited the complainant's property with a colleague on Saturday 29 August at 8pm. Noise from patrons was clearly audible in the courtyard to this property. Once inside, the noise was louder as the property is located above the boundary wall and there is no screening. The background drone from people talking in the beer garden was intrusive within the property and spikes of laughter even more disturbing and exacerbating the problem. It is my opinion that the complaint is valid.

The Royal Oak Hotel was visited straight after and we spoke to Craig Stewart. At that time there were only 27 patrons in the beer garden and Craig was advised that it was our opinion that the complaint was valid. The number of patrons in the beer garden was well below capacity as I understand from Craig that it can accommodate up to 70 individuals. Myself and my colleague spent time in the area after visiting the hotel and the noise from patrons in the beer garden could be heard as far as outside the Skills Development Scotland building located in Bank Street.

The beer garden is located within a quiet residential area and is therefore susceptible to noise complaints. The issue with the beer garden is the scale and also the hours of operation. To improve the situation, it is my opinion that the total number of patrons allowed in the area at any one time should be restricted to 30 and the area closed at 7pm. This would continue to provide the hotel with an outside area that could be used during the day for both the pub and restaurant. Restricting the covers and the operating hours would provide the residents with respite from noise originating in this area.

10 September, 2020

Helen Henderson  
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Development & Environment Services  
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