



APPLICATION FOR VARIATION OF PREMISES LICENCE

Licensing (Scotland) Act 2005, Section 29

To:

Clerk to the Licensing Board
Kilncraigs
Greenside Street
Alloa
FK10 1EB

THIS PAPER RELATES TO

ITEM 6i

ON THE AGENDA

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

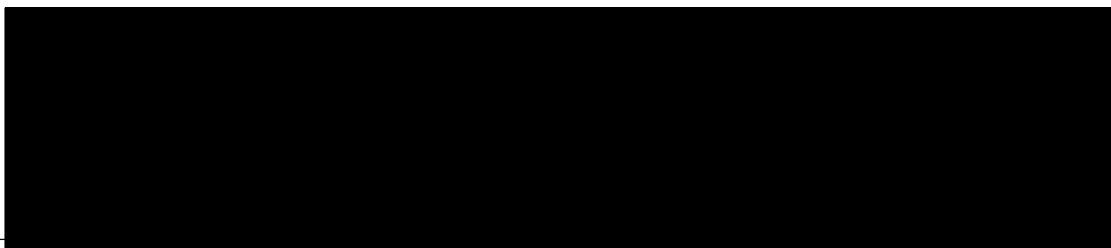
Question 1

Name, Address, Postcode and Licence Number of Premises.

NO 5 INN MIDDLETON BRIDGE BROOK STREET ALVA FK12 5JL	CC152.
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Question 2

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

DAVID HAMILTON WHITE 
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11 10
 2022
 50 km.

DETAILS OF VARIATION

Question 3

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

EXTENSION ONTO ORIGINAL BEER GARDEN
AND WRAPPED AROUND THE LEFT SIDE OF THE ~~BEER~~
BUILDING TO ENCLOSE IT TO THE PORCH
ENTRANCE :
TO MAKE ADDITIONAL SEATING
(APPROX 24)
WE WILL MAKE IT ACCESSIBLE FOR DISABLED
ACCESS BY ~~ADDING~~ INCORPORATING A RAMP AT
PORCH ENTRANCE AND EXIT.

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.

If there is a Change of Premises Manager Please Provide the following:-.

Name and Address of the Proposed Premises Manager

[Empty box for Name and Address of the Proposed Premises Manager]

Date and Place of Birth of the Proposed Premises Manager

[Empty box for Date and Place of Birth of the Proposed Premises Manager]

Email Address and Telephone Number of the Proposed Premises Manager

[Empty box for 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.

[Empty box for 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.

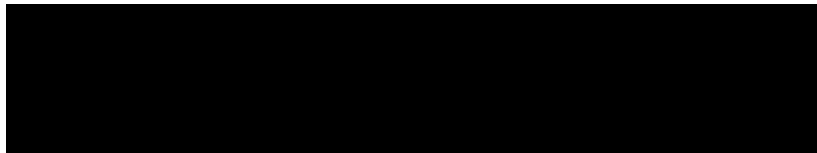
The Contents of This Application Are True to the Best of my Knowledge and Belief.

Signature * (See Note Below)

Date 28 / APRIL 2022

Capacity PREMISES MANAGER 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?	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?	<u>YES</u> /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 AM	Midnight
TUESDAY	11 AM	Midnight
WEDNESDAY	11 AM	MIDNIGHT
THURSDAY	11 AM	MIDNIGHT
FRIDAY	10 AM	1 AM
SATURDAY	11 AM	1 AM
SUNDAY	11 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	11AM	10PM
TUESDAY	"	"
WEDNESDAY	"	"
THURSDAY	"	"
FRIDAY	"	"
SATURDAY	"	"
SUNDAY	"	"

Question 4

SEASONAL VARIATIONS

Does the Applicant intend to operate according to Seasonal Demand	<input checked="" type="radio"/> YES <input type="radio"/> NO*
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*If YES – provide details

THE PREMISES MAY PERMIT LIVE PERFORMANCES IN THE OUTDOOR DRINKING AREA AND THE CONSUMPTION OF ALCHOL 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	YES
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	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

CATERING FOR FUNERALS BEFORE 11AM, NO ALCOHOL
WILL BE SERVED BEFORE 11AM

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*

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 STAFF ON DUTY AT THE TIME, CHILDREN AND YOUNG PERSONS WILL BE PER 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_{1/2} AGE

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

11.00 AM - 9.00 PM.
HOWEVER CHILDREN AND YOUNG PERSONS WILL BE ALLOWED TO REMAIN ON THE PREMISES AFTER 9PM TO FINISH ORDERED. PRIOR TO 9PM. IN ADDITION CHILDREN AND YOUNG PERSONS WILL BE ALLOWED TO REMAIN ON THE PREMISES UNTIL THE END OF THE LICENSED HOURS WHEN ATTENDING A PRE-BOOKED, EVENT AND ANY SUCH PRE-BOOKED EVENTS ARE RECORDED IN AN EVENTS DIARY KEPT ON THE PREMISES AT ALL TIMES AND BE MADE AVAILABLE FOR INSPECTION BY POLICE, SCOTLAND AND LICENSING STANDARDS OFFICER AT ANY TIME WHEN THE PREMISES ARE OPEN.

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

THE WHOLE LICENSED PREMISES INCLUDING OUTSIDE DRINKING AREA.

Question 7

CAPACITY OF PREMISES

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

ON SALES - 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

[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
31 August 2019	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.

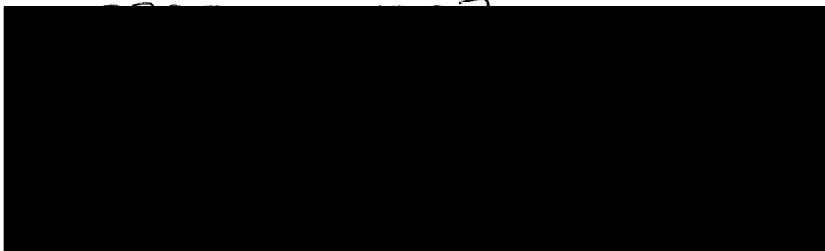
The Contents of This Operating Plan Are True to the Best of my Knowledge and Belief.

Signature  * (See Note Below)

Date 26th April 2022

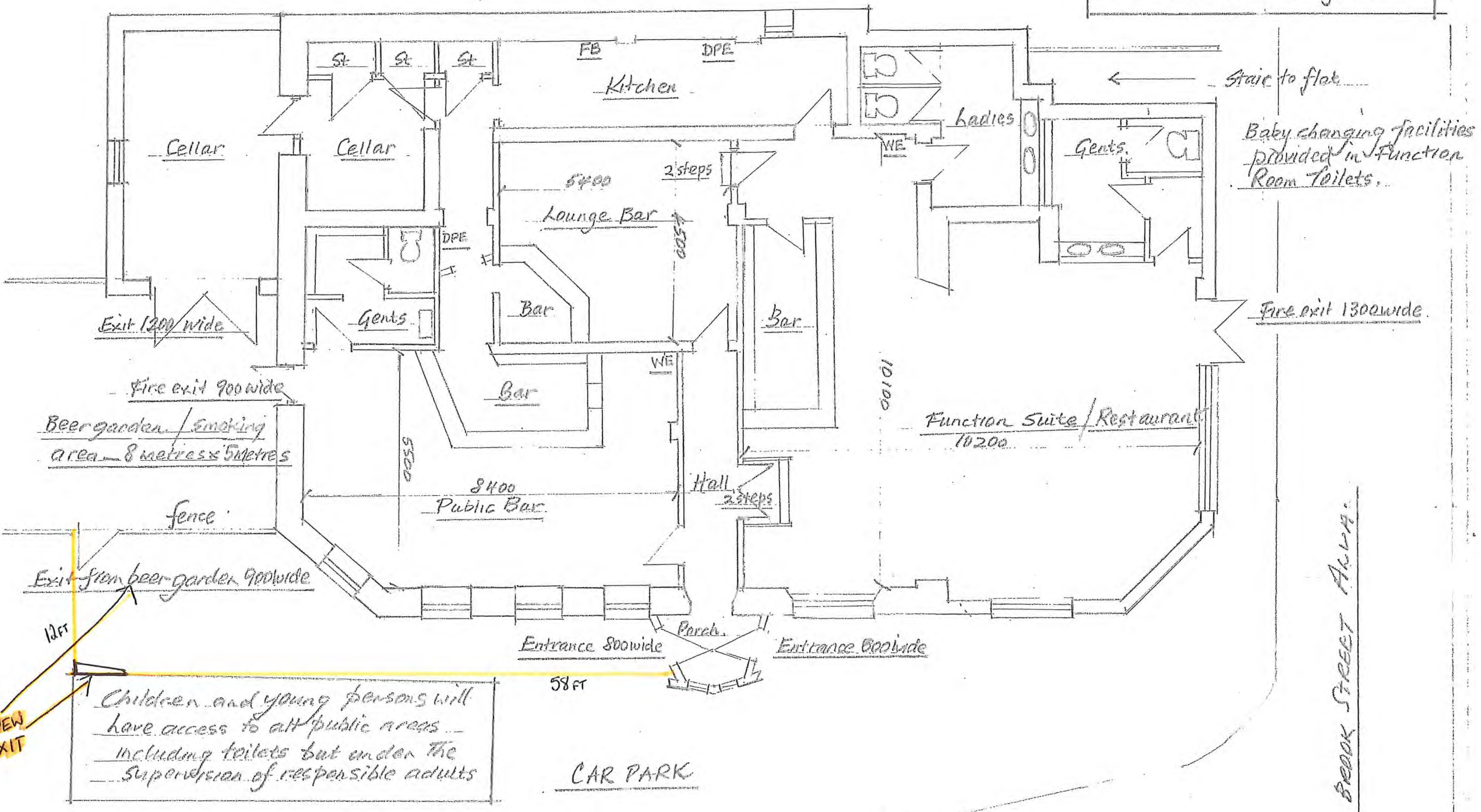
Capacity PREMISES MANAGER APPLICANT/AGENT (Delete as appropriate)

Telephone Number and Email Address of Signatory



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

Fire Fighting Equipment Legend
 FB = Fire blanket
 DPE = 2Kg Dry powder extinguisher
 WE = 9 Litre water extinguisher



Children and young persons will have access to all public areas including toilets but under the supervision of responsible adults

LAYOUT PLAN OF NO 5 INN
BROOK STREET, ALVA Scale 1:100

ERSKINE STREET, ALVA



Legal and Governance

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

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: 5 August, 2022

**Subject: Licensing (Scotland) Act, 2005. Section 29
Application for a Non Minor Variation- Extension to Outdoor Area
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) Extend the existing outdoor drinking area.
3. During 2020 and 2021, the existing outdoor area was extended to include a significant part of the car park area at the premises.
4. The extended area was licensed by a series of Occasional Licences, granted under the relaxed guidance provided during the SARS CoV-2 pandemic.
5. When lockdown rules allowed, the extended area operated without complaint in 2020 and 2021.
6. I am unaware of any concerns raised about the area by Police Scotland
7. The permanent change causes me no concern, and I have discussed management of the area with the applicant in the past. He is well aware of the responsibilities connected with monitoring and managing a large outdoor area.
8. The premises currently benefit from a seasonal variation that permits live music in the outdoor area but this benefit only applies on the day of the "Famous Alva Games"
9. In 2019, Local conditions were applied to the premises licence in relation to the use of the outdoor area, however these conditions may now be considered to be outdated as a

result of the “pool” conditions listed in the Clackmannanshire Licensing Board, Statement of Licensing Policy.

10. If the Licensing Board grants this application, I would suggest that it is necessary and expedient for the purposes of the licensing objectives to vary the conditions of the premises licence, and remove all of the existing Local Conditions (relating to the use of the outdoor area). They should be replaced with the Conditions 1- 4 as listed in appendix A to this report.
11. In addition to conditions 1-4 listed in appendix A the Licensing Board may consider it necessary and expedient to add further local conditions from the list of pool conditions contained in the current statement of licensing Policy. These conditions are also reproduced at appendix A and I have marked those conditions that I consider to be the most appropriate in bold and with an asterisk (*).

Paul Fair

Licensing Standards Officer.

Appendix A

Suggested Local Conditions

1. 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.
2. Consumption of Alcohol in the outdoor area is prohibited after 10pm (except on the night of the “Famous Alva Games” where outdoor alcohol consumption will be permitted until no later than 11pm.
3. 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.
4. No live or recorded music, live performances or other entertainment is permitted within the outdoor drinking area (with the exception of a seasonal variation to allow live music performances in the outdoor area on the day of the “Famous Alva Games” each year).

In addition to the above conditions the Board should also consider if any of the conditions from the list of pool conditions contained within the statement of licensing Policy, are necessary and expedient for the purposes of the licensing objectives.

Below is an extract from the statement of licensing policy.

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 areas is not permitted after 10.00pm.**
- * **No live or recorded music, live performances or other entertainment is permitted within the outdoor drinking areas.**
- * **Customers using the outdoor drinking areas 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 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 Office Bearers, committee and members and for 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, car park or public footpath, must at all times when the area is in use be clearly delineated by a physical**

barrier 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.

*** 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.**

***Only alcohol that has been sold on the premises can be consumed in the outdoor areas.**

