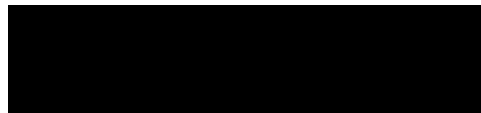




## NOTICE OF MEETING

**28 November 2022**

**A MEETING of the CLACKMANNANSHIRE LICENSING BOARD will be held virtually via VIDEO CONFERENCE (MS TEAMS), on TUESDAY 6 DECEMBER 2022.**



**RICHARD THOMPSON**  
**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. Confirm Minutes of Meeting of the Clackmannanshire Licensing Board held on 8 November 2022 (Copy herewith)  | 03             |
| 4. <b>Licensing (Scotland) Act 2005:</b>   |                |
| (i) Application for Personal Licences – Granted Under Delegated Powers (For Information only) (Copy herewith)  | 07             |
| 5. <b>Licensing (Scotland) Act 2005: Variation (Non Minor)</b>   | 09             |
| (i) Application for Variation (Non Minor) and Licensing Standards Officer Report (Copies herewith)   |                |
| No objections received from Police Scotland.   |                |
| Premises: Bridge Street Bar, 18 Brook Street, Dollar   |                |
| Applicant: Andrew David Mackie   |                |
| 6. Revocation of Personal Licences – report by the Licensing Administrator (Copy herewith)   | 29             |
| 7. AOCB  | --             |

## Clackmannanshire Licensing Board – Board Members 8 (Quorum 4)

---

### Councillors

### Wards

|            |                       |   |                        |              |
|------------|-----------------------|---|------------------------|--------------|
| Councillor | Kenneth Earle (Chair) | 4 | Clackmannanshire South | LABOUR       |
| Councillor | Darren Lee            | 1 | Clackmannanshire West  | CONSERVATIVE |
| Councillor | Graham Lindsay        | 1 | Clackmannanshire West  | SNP          |
| Councillor | Mark McLuckie         | 1 | Clackmannanshire West  | LABOUR       |
| Councillor | Donald Balsillie      | 2 | Clackmannanshire North | SNP          |
| Councillor | Martha Benny          | 2 | Clackmannanshire North | CONSERVATIVE |
| Councillor | William Keogh         | 2 | Clackmannanshire North | LABOUR       |
| Councillor | Fiona Law             | 2 | Clackmannanshire North | SNP          |

The quorum for the Board by virtue of Schedule 1 paragraph 12(1) of the Licensing (Scotland) Act 2005 is 4 members



**MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held via VIDEO CONFERENCE (MS TEAMS), on TUESDAY 8 NOVEMBER 2022 at 9.30 am.**

**PRESENT**

Councillor Kenneth Earle (Chair)  
Councillor Martha Benny  
Councillor Donald Balsillie  
Councillor William Keogh  
Councillor Fiona Law  
Councillor Darren Lee  
Councillor Graham Lindsay  
Councillor Mark McLuckie

**IN ATTENDANCE**

June Andison, Licensing Administrator  
Paul Fair, Licensing Standards Officer  
Richard Thompson, Solicitor, (Clerk to the Board)  
Melanie Moore, Committee Services

**1.0 APOLOGIES**

None.

**2.0 DECLARATIONS OF INTEREST**

None.

**3.0 MINUTE OF MEETING OF CLACKMANNANSHIRE LICENSING BOARD –  
13 OCTOBER 2022**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Thursday 13 October 2022 were submitted for approval.

**Decision**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Thursday 13 October 2022 were agreed as a correct record and signed by the Chair.

**4.0 LICENSING (SCOTLAND) ACT 2005**

Agenda items 4(i) to 4(iii) were put before the Board for information only as they had been granted under delegated powers. Items 4(i) to 4(iii) were considered together as one item.

**(i) Applications for Personal Licences – Granted Under Delegated Powers**

A list of applications for personal licences which had been granted under delegated powers was put before the Board for information only.

**Decision**

The Board agreed to note that the Personal Licence applications had been granted under delegated powers.

**(ii) Applications for Personal Licence Refresher Training – Granted Under Delegated Powers**

A list of applications for the Personal Licence Refresher Training which had been granted under delegated powers was put before the Board for information only.

**Decision**

The Board agreed to note that the applications for Personal Licence Refresher Training had been granted under delegated powers.

**(iii) Applications for Minor Variations – Granted Under Delegated Powers**

A list of applications for minor variations which had been granted under delegated powers was put before the Board for information only.

**Decision**

The Board agreed to note that the applications for minor variations had been granted under delegated powers.

*The Convenor advised that Items 6 and 7 would be taken before Item 5 as the applicants were in attendance.*

**6.0 LICENSING (SCOTLAND) ACT 2005 – NON MINOR VARIATIONS**

**(i) Application for Variation to Licence (Non Minor) – Aldi**

Premises: Aldi, Whins Road, Alloa  
Applicant: Aldi Stores Ltd, c/o TLT Solicitors, 9<sup>th</sup> Floor, West Campbell Street, Glasgow

**Attending**

Ms Caroline Loudon, for the applicant  
Mr Paul Fair, Licensing Standards Officer

The Board heard representation from the Licensing Standards Officer and a representative for the applicant. There were no objections received from Police Scotland and the Licensing Standards Officer.

**Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for the Variation of Licence (Non Minor).

Moved by Councillor Kenneth Earle. Seconded by Councillor William Keogh.

**Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the application for the Variation of Licence (Non Minor).

**Action**

Clerk to the Board

**(ii) Application for Variation of Licence (Non Minor) – Budgens of Alva**

Premises: Budgens of Alva, 54 East Stirling Street, Alva  
Applicant: Budgens of Alva, c/o Harper MacLeod LLP, 45 Gordon Street, Glasgow

**Attending**

Mr Akisetty, Applicant  
Mr Andrew Hunter, Applicants Representative  
Mr Paul Fair, Licensing Standards Officer

The Board heard representation from the Licensing Standards Officer, the Applicant and the Applicant's representative. There were no objections received from Police Scotland and the Licensing Standards Officer.

**Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for the Variation of Licence (Non Minor).

Moved by Councillor Donald Balsillie. Seconded by Councillor Martha Benny.

**Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the application for the Variation of Licence (Non Minor).

**Action**

Clerk to the Board

**7.0 LICENSING (SCOTLAND) ACT 2005: GRANT PREMISES LICENCE**

- (i) Application to Grant Premises Licence – Premier, 25 Shillinghill, Alloa

Premises: Premier, 25 Shillinghill, Alloa  
Applicant: Number One Retail Ltd, 1 Shillinghill, Alloa

**Attending**

Mr Paul Fair, Licensing Standards Officer  
Mr Martin Connelly, Applicant

The Board heard representation from the Licensing Standards Officer and the Applicant. There were no objections received from Police Scotland or the Licensing Standards Officer.

**Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application to grant premises licence.

Moved by Councillor Kenneth Earle. Seconded by Councillor Mark McLuckie.

**Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the application to grant premises licence.

**Action**

Clerk to the Board

**5.0 LICENSING (SCOTLAND) ACT 2005 – APPLICATION FOR EXTENDED HOURS**

- (i) Application for Extended Hours – Bridge Inn, Tillicoultry

Premises: Bridge Inn, 1 High Street, Tillicoultry  
Applicant: Chen Li

**Attending**

The applicant was not in attendance  
Paul Fair, Licensing Standards Officer

The Board heard representation from the Licensing Standards Officer. There were no objections received from Police Scotland.

**Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for extended hours

Moved by Councillor Donald Balsillie. Seconded by Councillor Darren Lee.

**Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the application for extended hours.

**Action**

Clerk to the Board

**8.0 POLICE SCOTLAND: CHIEF CONSTABLE'S REPORT TO THE CLACKMANNANSHIRE LICENSING BOARD 2021-2022****Attending**

Chief Inspector Audrey Marsh, Police Scotland (Local Area Commander)  
Sgt Derek Simpson, Police Scotland (Licensing Officer)

The Board heard a presentation from Chief Inspector Audrey Marsh on the Chief Constable's report and had the opportunity to put questions to him.

Having commented on and challenged the report as appropriate and having had the opportunity for questions, the Board agreed to note the information provided in the Chief Constable's Report to the Clackmannanshire Licensing Board 2021-2022.

**9.0 AOCB**

None.

**EXEMPT ITEM**

**The Clackmannanshire Licensing Board resolved in terms of Section 50(a) of the Local Government (Scotland) Act, 1973, that the press and public be excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraphs 3 and 14**

**10. CONFIRM MINUTE OF MEETING HELD ON 13 OCTOBER 2022 (EXEMPT)**

The minute of the meeting of the Clackmannanshire Licensing Board held on Thursday 13 October 2022 were submitted for approval.

**Decision**

The minute of the meeting of the Clackmannanshire Licensing Board held on Thursday 13 October 2022 were agreed as a correct record and signed by the Chair.

Ends: 11:06hrs

**THIS PAPER RELATES TO  
ITEM 4i  
ON THE AGENDA**

**CLACKMANNANSHIRE LICENSING BOARD**

**MEETING 06 December 2022 at 09:30am**

**Via MS Teams**

**Licensing (Scotland) Act 2005**

**Personal Licence(s) Grant**

| <b>No.</b> | <b>Applicant</b>  | <b>Date Received</b>     | <b>Comments</b>  |
|------------|---|--------------------------|--|
| <b>1.</b>  | <b>Russell Scott</b>  | <b>28 September 2022</b> | <b>Personal Licence granted under delegated powers</b> |
| <b>2.</b>  | <b>Matthew Dixon Hollingworth</b>   | <b>03 October 2022</b>   | <b>Personal Licence granted under delegated powers</b> |
| <b>3.</b>  | <b>Jamie Gillespie<br/>c/o Lidl Great Britain Ltd<br/>Licensing Department<br/>Palmer Avenue<br/>Central Park<br/>Severn Beach<br/>Bristol<br/>BS35 4DF</b> | <b>03 October 2022</b>   | <b>Personal Licence granted under delegated powers</b> |





**THIS PAPER RELATES TO  
ITEM 5i  
ON THE AGENDA**

**CLACKMANNANSHIRE LICENSING BOARD**

**MEETING 6 December 2022 at 09:30am**

**Via MS Teams**

**Licensing (Scotland) Act 2005**

**Variation(s) (Non Minor)**

| <b>Premises</b>  | <b>Applicant</b>               | <b>Date Received</b>   | <b>Comments</b>   |
|--|--------------------------------|------------------------|---|
| <b>Bridge Street Bar<br/>18 Brook Street<br/>Dollar<br/>FK14 7DE</b> | <b>Andrew David<br/>Mackie</b> | <b>07 October 2022</b> | <b>Variation to Operating Plan to include:-</b> <ul style="list-style-type: none"><li><b>Showing of Televised Sports</b></li></ul> <b>Application and Operating Plan (copy attached) Licensing Standard Officers Report (copy attached)</b><br><b>No objections received from Police Scotland</b> |





## 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.

|   |
|---|
| BRIDGE STREET BAR - CC208.<br>18 BRIDGE STREET<br>DOLLAR.<br>FK14 7DE |
|---|

#### Question 2

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

|   |
|---|
| ANDREW DAVID MACKIE<br> |
|---|

**DETAILS OF VARIATION**

**Question 3**

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

TO ALLOW THE VIEWING OF TELEVISED SPORT  
INCLUDING SKY AND BT SPORTS .

**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

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

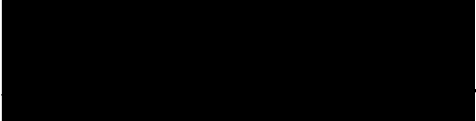
**YES/NO**

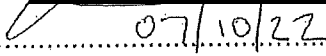
If the Answer to the Above Question is NO Please Provide Below the Date the Variation is to Take Effect.

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

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

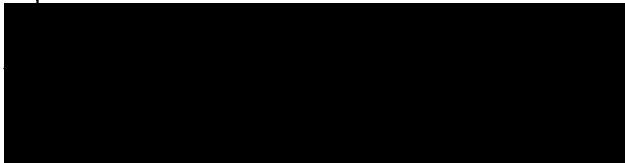
The Contents of This Application Are True to the Best of my Knowledge and Belief.

Signature .....  .....\* (See Note Below)

Date .....  .....

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

| <b>Checklist</b>   |  |
|--|--|
| 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 <b>ON</b> the Premises?  | YES/NO*            |
| 1(b) Will alcohol be sold for consumption solely <b>OFF</b> the Premises? | YES/NO*            |
| 1(c) Will alcohol be sold for consumption both ON and OFF the Premises?   | YES/ <del>NO</del> |
| *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    | 11AM           | MIDNIGHT      |
| TUESDAY   | 11AM           | MIDNIGHT      |
| WEDNESDAY | 11AM           | MIDNIGHT      |
| THURSDAY  | 11AM           | MIDNIGHT      |
| FRIDAY    | 11AM           | 01:00AM       |
| SATURDAY  | 11AM           | 01:00AM       |
| SUNDAY    | 11AM.          | 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   | 11AM            | 10PM          |
| WEDNESDAY | 11AM            | 10PM          |
| THURSDAY  | 11AM            | 10PM          |
| FRIDAY    | 11AM            | 10PM          |
| SATURDAY  | 11AM            | 10PM          |
| SUNDAY    | 11AM            | 10PM.         |

**Question 4**

SEASONAL VARIATIONS

|   |                      |
|---|----------------------|
| Does the Applicant intend to operate according to Seasonal Demand | YES/ <del>NO</del> * |
|---|----------------------|

\*If YES – provide details

THE PREMISE WOULD SEEK TO TAKE ADVANTAGE OF ANY ADDITIONAL HOURS OFFERED BY THE LICENCING BOARD DURING THE FESTIVE PERIOD.

**Question 5**

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

| COL. 1<br>5(a) Activity  | COL. 2<br>Please Confirm<br><b>YES/NO</b> | COL. 3<br>To Be Provided<br>During Core Licensed<br>Hours Please Confirm<br><b>YES/NO</b> | COL. 4<br>Where Activities Are<br>Also to Be Provided<br>Outwith Core Licensed<br>Hours Please Confirm<br><b>YES/NO</b> |
|--|---|---|---|
| Accommodation  | NO  | N/A   | N/A   |
| Conference Facilities  | NO  | NO  | No  |
| Restaurant Facilities  | YES                                       | YES   | No  |
| Bar Meals  | YES                                       | YES   | No.   |
| 5(b) Activity<br>Social Functions<br>Including:                              | Please Confirm<br><b>YES/NO</b>           | To Be Provided<br>During Core Licensed<br>Hours Please Confirm<br><b>YES/NO</b>           | Where Activities Are<br>Also to Be Provided<br>Outwith Core Licensed<br>Hours Please Confirm<br><b>YES/NO</b>           |
| Receptions Including<br>Wedding, Funerals,<br>Birthdays, Retirements<br>Etc. | YES                                       | YES   | YES   |
| Club of Other Group<br>Meetings etc.   | YES                                       | YES   | YES.  |
| 5(b) Activity<br>Entertainment<br>Including:                                 | Please Confirm<br><b>YES/NO</b>           | To Be Provided<br>During Core Licensed<br>Hours Please Confirm<br><b>YES/NO</b>           | Where Activities Are<br>Also to Be Provided<br>Outwith Core Licensed<br>Hours Please Confirm<br><b>YES/NO</b>           |
| Recorded Music – see<br>5(g)   | YES                                       | YES   | YES   |
| Live Performance –<br>See 5(g)   | YES                                       | YES   | YES   |
| Dance Facilities   | No  | No  | 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<br><b>YES/NO</b> | To Be Provided<br>During Core Licensed<br>Hours Please Confirm<br><b>YES/NO</b> | Where Activities Are<br>Also to Be Provided<br>Outwith Core Licensed<br>Hours Please Confirm<br><b>YES/NO</b> |
| Outdoor Drinking<br>Facilities | YES                             | YES - UNTIL 10PM  | No  |
| 5(e) Activity                  | Please Confirm<br><b>YES/NO</b> | To Be Provided<br>During Core Licensed<br>Hours Please Confirm<br><b>YES/NO</b> | Where Activities Are<br>Also to Be Provided<br>Outwith Core Licensed<br>Hours Please Confirm<br><b>YES/NO</b> |
| 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

CLUB AND OTHER GROUP MEETINGS MAY TAKE PLACE BEFORE THE START OF LICENSED HOURS EACH DAY. THE PREMISES WILL NOT BE USED FOR ANY OF THE STATED ACTIVITIES AFTER THE TERMINAL HOUR EACH DAY. LIVE AND RECORDED MUSIC AND TELEVISED SPORT MAY BE PLAYED ON THE PREMISES PRIOR TO THE START OF LICENSED HOURS BUT NEVER AFTER.

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 Live or Recorded Music Will The Decibel Level Exceed 85dB | <del>YES</del> /NO* |
|---|---------------------|

|  |                     |
|--|---------------------|
| When Fully Occupied Are There Likely To Be More Customers Standing Than Seated | <del>YES</del> /NO* |
|--|---------------------|

|                        |  |
|------------------------|--|
| *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/ <del>NO</del> |
|      |  |                    |

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

|   |
|---|
| <p>CHILDREN AND YOUNG PERSONS WILL ONLY BE PERMITTED ACCESS TO THE PREMISES WHEN ACCOMPANIED BY AN ADULT OVER THE AGE OF 18 YEARS</p> |
|---|

6(c) Provide Statement Regarding the **AGES** of children or Young Persons to be Allowed Entry

12 - 17 YEARS OF AGE .

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

CHILDREN AND YOUNG PERSONS WILL NOT BE PERMITTED TO REMAIN ON THE PREMISES AFTER 10PM EACH DAY

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

ALL PUBLIC AREAS OF THE GROUND FLOOR .  
NO ACCESS TO THE BASEMENT AREA .

**Question 7**

**CAPACITY OF PREMISES**

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

40 .

**Question 8**

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

Personal Details

8(a) Name

BRUCE HARPER

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 |
|---------------|----------------------------------|-----------------------------------|
| 30/6/22       | CLACKMANSNESHIRE LICENSING BOARD | CC939.                            |

**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 ..... 7/10/22 .....

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





**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/CC208**

Your Ref:

Date: **16 November, 2022**

Subject: **Licensing (Scotland) Act, 2005. Section 29  
Application for a Non Minor Variation- Modification of Operating Plan  
Addition of Televised Sports within Core Hours  
Bridge Street Bar, 18 Bridge Street, Dollar, FK14 7DE CC208**

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 CC208 in the following ways :
  - a) To allow the viewing of Televised Sports on the Premises
3. I have no concerns about the specifics of variation sought, however the Board are asked to consider the content of paragraphs 4 - 20 prior to granting the application.
4. In late 2019 Bridge Street Bar was granted premises licence No CC208.
5. At the time of application the proposed nature of the premises was explained to the Licensing Board by the applicant as a wine/cocktail bar, with the primary purpose of offering a supporting business to the existing restaurant Bridge Street Kitchen.
6. Many of the existing local premises licence conditions were applied to the licence with that connection between the two premises in mind.
7. In 2020 the business virtually ceased trading as a direct result of the business interruption caused to the licence trade by the SARS CoV-2 pandemic.
8. In 2022, the Licence holder Andrew Mackie leased the premises to a new operator (Bruce Harper –also Premises Manager).
9. The business has been trading since the middle of 2022, however the general nature of the business has changed significantly.

10. It appears that there is no longer a close connection to the business of Bridge Street Kitchen, which is still currently closed.
11. The change in nature of the business has attracted a younger and lively crowd of new customers.
12. The premises now trades more like a traditional bar offering music and inadvertently for a period televised sport, despite this not being permitted by the existing Operating Plan.
13. The change in operating style of the premises has attracted a number of complaints from nearby residents.
14. The complaints centre on noise and customer behaviour related nuisance emanating from the change of use in the outdoor area to the front of the premises.
15. Although these complaints have now been addressed by the licence holder and premises manager, and have resulted in changes to the way the premises operates the business in particular the outdoor area
16. 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 both the change of nature of the business and the creation of "pool" of the conditions listed in the Clackmannanshire Licensing Board, Statement of Licensing Policy.
17. This variation application creates an opportunity to modify these conditions to meet the requirements of the current business operation.
18. I would suggest that all of the current local conditions are removed from the licence and replaced with the list of proposed conditions contained at appendix A.
19. The Licensing Board of course must be satisfied that those suggested conditions are necessary and expedient for the purposes of the licensing objectives.
20. In addition to conditions 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. That list is reproduced in full at appendix B

*Paul Fair*

Licensing Standards Officer.

## **Appendix A**

### **Suggested Local Conditions**

- In the approved outdoor area the number of patrons using this area may not exceed the number of seated places available for customers.
- In the approved outdoor area alcohol may only be consumed by persons seated at tables in that area.
- Consumptions of alcohol in the outdoor drinking is not permitted after 10.00pm
- All furniture associated with the use of the outdoor area must be cleared from the area by no later than 10:00pm
- No live or recorded music, live performances or other entertainment is permitted within the outdoor drinking area.
- Live or recorded music or televised events on the premises must not be visible or audible within the outdoor 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 or the licensed outdoor drinking area.
- Where the outdoor drinking facility is to be used during the hours or 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, but including vaping or smoking tobacco or other products
- 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 licenced 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 these conditions 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 making the extent of the licenced 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 to 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.
- Children and you persons are only permitted to use the outdoor area when accompanied by an adult over the age of 18 years of age who is a parent or other relative or person responsible for their guardianship.
- Only alcohol that has been sold on the premises can be consumed in the outdoor areas.

## **Appendix B**

### **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 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 members/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.

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**Report to the Licensing Board**

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**Date of Meeting: 06 December 2022 at 09.30am**

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**Subject: Revocation of Personal Licences**

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**Report by: Licensing Administrator**

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**1.0 Purpose**

- 1.1 The Licensing (Scotland) Act 2005 prescribes that all personal licence holders must undergo mandatory training in a form prescribed by the Scottish Ministers no later than 3 months following the period beginning 5 years from the date that the personal licence was issued.
- 1.2 The Board is therefore asked to take the following procedural steps to deal with the matters contained in this report.

**2.0 Recommendation**

- 2.1 That the Board makes a formal decision to revoke the personal licences set out in the table appended to this report in terms of section 87(3) of the Licensing (Scotland) Act 2005.

**3.0 Considerations**

- 3.1 The 2005 Act prescribes that all personal licence holders must undertake refresher training and thereafter provide the Board with confirmation of the completed training within a period of 5 years and 3 months following the date of the issue of the licence. Where the licence holder fails to do so, the Board must revoke the licence.
- 3.2 The Board is required to notify all licence holders not less than 3 months before the expiry of the requirement to undertake and provide evidence of refresher training. The Board first wrote to affected licence holders in August 2020 subsequent reminders have been sent to remind them of this requirement. The Coronavirus (Scotland) Act 2020 amends the 2005 Act to allow for an extension of time where the failure to comply has been as a result of coronavirus. None of the licence holders listed in appendix one has indicated this is the case and it is understood that training has been available virtually.
- 3.3 The licence holders identified in the table at appendix 1 have failed to comply with the requirements under the 2005 Act. The Board must therefore revoke the licences.

#### 4.0 Sustainability Implications

4.1. None

#### 5.0 Resource Implications

5.1. *Financial Details*

5.2. None

5.3. *Staffing*

The impact of this procedural step will be absorbed into existing resources.

#### 6.0 Equalities Impact

6.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? Yes

No

#### 7.0 Legality

7.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

#### 8.0 Appendices

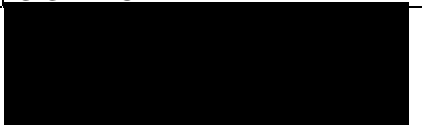
8.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

8.2 Appendix 1 - Table of Personal Licences to be revoked

##### Author(s)

| NAME         | DESIGNATION             | TEL NO / EXTENSION |
|--------------|-------------------------|--------------------|
| June Andison | Licensing Administrator | 2091               |

##### Approved by

| NAME             | DESIGNATION                  | SIGNATURE   |
|------------------|------------------------------|---|
| Richard Thompson | Clerk to the Licensing Board |  |



**CLACKMANNANSHIRE LICENSING BOARD**

**MEETING 06 December 2022 at 09:30am**

**The Council Offices, Kilncraigs, Alloa, FK10 1EB**

**Licensing (Scotland) Act 2005**

**Personal Licence(s) - Revoke**

**Attached list of Personal Licence Holders who have failed to notify Clackmannanshire Licensing Board of the completion of the mandatory 5 year Refresher Training**

**PERSONAL LICENCES ISSUED 2016**

| <b>NAME</b>              | <b>LICENCE NO</b> | <b>NAME</b>            | <b>LICENCE NO</b> | <b>NAME</b>                      | <b>LICENCE NO</b> |
|--------------------------|-------------------|------------------------|-------------------|----------------------------------|-------------------|
| Megan McLean             | CC669             | Tanyan Marie Begg      | CC668             | Cherie Reynolds                  | CC667             |
| Donna Louise Shand       | CC672             | Martin Price           | CC673             | Shaukar Raja Veluswamy Shanmugam | CC671             |
| Elizabeth McIntosh       | CC675             | Susan Fowler           | CC676             | Diana Gladys Prosser             | CC678             |
| Steven John Kerr         | CC677             | Francis Nicholas Davey | CC680             | Stewart Kenny                    | CC679             |
| Kelly Whyte              | CC681             | Joseph Ryan Mullen     | CC682             | Amanda Tracey Murray             | CC684             |
| Paul Mowat               | CC685             | Michelle Piper         | CC686             | Paul Slade                       | CC687             |
| Jacqueline Susan Gray    | CC689             | Kerri-Lee Murray       | CC688             | Anita-Stefania Stupar            | CC691             |
| Dumitru-Nicolae Moldovan | CC692             | Graham Ballie          | CC693             | Troy Patrick Burns               | CC690             |
| Ann-Marie Hyland         | CC694             | Morven Harley          | CC695             | Natalie Suzanne Derbridge        | CC697             |
| Donna McLean             | CC696             | Peter Finch            | CC698             | Claire Coultas                   | CC699             |

|                              |              |                                 |              |                                       |              |
|------------------------------|--------------|---------------------------------|--------------|---------------------------------------|--------------|
| <b>Julie Roger</b>           | <b>CC703</b> | <b>Kayleigh Allan</b>           | <b>CC700</b> | <b>Emma Louise Prior</b>              | <b>CC704</b> |
| <b>Matthew Richard Booth</b> | <b>CC704</b> | <b>Kirsty Maclauchlan</b>       | <b>CC708</b> | <b>Lesley Gilroy</b>                  | <b>CC711</b> |
| <b>Mary Galbriath</b>        | <b>CC710</b> | <b>Lee Gleghorn</b>             | <b>CC714</b> | <b>Michelle McPherson</b>             | <b>CC715</b> |
| <b>Elisha Emma Black</b>     | <b>CC718</b> | <b>Mary Drummond</b>            | <b>CC719</b> | <b>Dana Marie O'Driscoll Paterson</b> | <b>CC724</b> |
| <b>Emma Crawford</b>         | <b>CC722</b> | <b>Roberto Erminio Roscilli</b> | <b>CC723</b> |                                       |              |