

**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)

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



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. 18 BRIDGE STREET DOLLAR. 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 

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

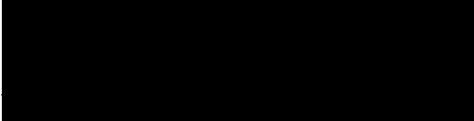
YES/NO

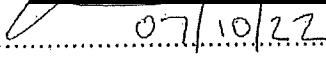
If the Answer to the Above Question is NO Please Provide Below the Date the Variation is to Take Effect.

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

Checklist	
Fee enclosed	
Application signed/dated	
Original Licence enclosed or a Statement of reasons for failing to produce the Licence	
New Operating Plan Enclosed	
New Layout Plan Enclosed	



OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

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

Question 2

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

DAY	ON CONSUMPTION	
	OPENING TIME	TERMINAL HOUR
MONDAY	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/ NO *
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*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 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	YES
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	YES
Live Performance – 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 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 - UNTIL 10PM	No
5(e) Activity	Please Confirm YES/NO	To Be Provided During Core Licensed Hours Please Confirm YES/NO	Where Activities Are Also to Be Provided Outwith Core Licensed Hours Please Confirm YES/NO
Adult Entertainment*	No	No	No

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

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

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

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

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 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 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.