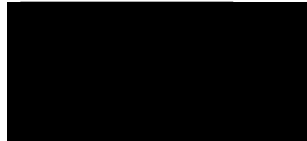




## NOTICE OF MEETING

**30 October 2023**

**A MEETING of the CLACKMANNANSHIRE LICENSING BOARD will be held in Council Chambers, Kilncraigs, Alloa, on TUESDAY 7 NOVEMBER 2023 AT 9.30 AM.**



**LEE ROBERTSON**  
**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 29 August 2023 (Copy herewith)	05
4. Licensing (Scotland) Act 2005: List of Applications	13
(i) <b>Application for Occasional Licence – Christmas Family Fun Day</b>	15
Premises: Tillicoultry Golf Club, Alva Road, Tillicoultry, FK13 6BL Applicant: Ann Douglas, Administrator, Tillicoultry Golf Club	
Application Form; and Representation from the Licensing Standards Officer attached.	
(ii) <b>Hearing to Consider a Premises Licence Review Proposal</b>	23
Premises: The Woolpack Inn, 1 Glassford Square, Tillicoultry, FK13 6AU	
Report by the Licensing Standards Officer attached.	

**(iii) Application for Grant of Personal Licence**

63

Applicant: Llinos Williams

Application Form and Certificate; and Representation from the Licensing Standards Officer attached.

- |    |   |    |
|----|---|----|
| 5. | Chief Constable's Report to the Clackmannanshire Licensing Board for the Period 2021-2022 - report by Sir Iain Livingstone QPM, Chief Constable, Police Service of Scotland attached. | 71 |
| 6. | Progress update on the Statement of Licensing Policy 2023 – verbal update by the Licensing Standards Officer.   | -- |
| 7. | AOCB  | -- |

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

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### 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 in COUNCIL CHAMBERS, KILNCRAIGS, ALLOA, on TUESDAY 29 AUGUST 2023 at 9.30 am.**

**PRESENT**

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

**IN ATTENDANCE**

Shaun Carroll, Licensing Paralegal  
Paul Fair, Licensing Standards Officer  
Lee Robertson, Senior Manager, Legal and Governance (Clerk to the Board)  
Melanie Moore, Committee Services  
Gillian White, Committee Services

**1.0 APOLOGIES**

Apologies were received from Councillor Graham Lindsay and Councillor Darren Lee.

**2.0 DECLARATIONS OF INTEREST**

Councillor McLuckie declared a non-financial interest in Item 4iv relating to Braehead Golf Club. As he is a member of Braehead Golf club, Councillor McLuckie advised he would withdraw from the Chamber for the duration of that item of business.

**3.0 MINUTE OF MEETING OF CLACKMANNANSHIRE LICENSING BOARD – 27 JUNE 2023**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 27 June 2023 were submitted for approval.

**Decision**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 27 June 2023 were agreed as a correct record and signed by the Chair.

**4.0 LICENSING (SCOTLAND) ACT 2005**

**(i) Application for Grant of Premises Licence**

Premises: The Ochil Suite, Sauchie Juniors Football Club, Beechwood  
Park, Sauchie, FK10 3AX  
Applicant: Sauchie Juniors Football Club

**Attending**

Mr Noel Dalli, President, Sauchie Juniors Football Club (Applicant)  
Mr Paul Fair, Licensing Standards Officer

The Board heard representations from the Licensing Standards Officer and Mr Dalli, President of Sauchie Juniors Football Club (Applicant). The Board then had the opportunity for questions to both parties. There were no objections received from Police Scotland or Environmental Health.

### **Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for the grant of a premises licence with the conditions as set out in bold in Appendix A of the Licensing Standards Officer's report along with the additional condition as set out in paragraph 10 of the LSO report.

Moved by Councillor Martha Benny. 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 for a premises licence with the conditions as set out in bold in Appendix A of the Licensing Standards Officer's report along with the additional condition as set out in paragraph 10 of the LSO report; namely:

- 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.
- 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.
- 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.
- 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.
- (on days where a sporting event is to take place during licensed hours) 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.
- The licence holder will ensure that all legislation (current and future) and all published guidance from an official body such as Police Scotland, the Scottish Football Association, Scottish Government or Clackmannanshire Council (current and future) in relation to the control of alcohol at designated sporting events is complied with on and in connection with the licensed premises"

### **Action**

Clerk to the Board

(ii) **Application for Non-Minor Variation – The Red Lion**

Premises: The Red Lion, 148 High Street, Tillicoultry, FK13 6DU

Applicant: Jack and Lesley Blair

**Attending**

Mrs Lesley Blair, The Red Lion (Applicant)

Mr Paul Fair, Licensing Standards Officer

The Board heard representations from the Licensing Standards Officer and Mrs Blair, The Red Lion (Applicant). The Board then had the opportunity for questions to both parties.

**Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for the non-minor variation with the addition of a local licensing condition as set out in paragraph 7 of the LSO report.

Moved by Councillor Donald Balsillie. 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 for the non-minor variation with the addition of a local licensing condition as set out in paragraph 7 of the LSO report; namely:

- Pre-planned events where children or young persons are being allowed to remain on the premises after 10pm must be recorded in an events diary kept on the premises. This diary entry should include the name and contact number of the event organiser, the date of the event and the date of the booking. 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.

**Action**

Clerk to the Board

(iii) **Application for Non-Minor Variation – The Old Brewery**

Premises: The Old Brewery, East Vennel, Alloa

Applicant: Greene King Retailing Limited

**Attending**

Mr Adrian Howlett, Belhaven Pubs (Agent for the Applicant)

Mr Paul Maclagan, Business Development Manager, Greene King Retailing Limited

Mr Connor Carty, Premises Manager, The Old Brewery

Mr Paul Fair, Licensing Standards Officer

The Board heard representations from the Licensing Standards Officer and Mr Howlett (Agent for the Applicant). The Board then had the opportunity to for questions to both parties and to Mr Maclagan and Mr Carty.

**Motion**

Having considered all of the information presented to it and having had opportunity for questions to all parties, that the Board grants the application for the non-minor variation.

Moved by Councillor Donald Balsillie. 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 non-minor variation.

## **Action**

Clerk to the Board

As advised at the start of the meeting, Councillor McLuckie declared a non-financial interest in Item 4iv relating to Braehead Golf Club. As he is a member of Braehead Golf club, Councillor McLuckie withdrew from the Chamber for the duration of the item of business.

### **(iv) Application for Non-Minor Variation – Braehead Golf Club**

Premises: Braehead Golf, Alloa Road, Cambus FK10 2NT

Applicant: Braehead Golf Club

## **Attending**

Mrs Jean Reid, Club Administrator, Braehead Golf Club (Applicant)

Mr Paul Fair, Licensing Standards Officer

The Board heard representations from the Licensing Standards Officer and Mrs Reid (Applicant). The Board then had the opportunity for questions to both parties.

## **Motion**

Having considered all of the information presented to it and having had opportunity for questions to both parties, that the Board grants the application for the non-minor variation.

Moved by Councillor Donald Balsillie. Seconded by Councillor Fiona Law.

## **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 non-minor variation.

## **Action**

Clerk to the Board

Councillor Mark McLuckie re-joined the meeting prior to the following item of business.

### **(v) Application for Non-Minor Variation – The Bobbing John**

Premises: The Bobbing John, 46 Drysdale Street, Alloa

Applicant: JD Wetherspoon (Scotland) Limited

## **Attending**

Mr Archie MacIver, Brunton Miller Solicitors (Agent for the Applicant)

Mr Paul Fair, Licensing Standards Officer

The Board heard representations from the Licensing Standards Officer and Mr MacIver (Agent for the Applicant). The Board then had the opportunity for questions to both parties.

## **Motion**

Having considered all of the information presented to it and having had opportunity for questions to both parties, that the Board grants the application for the non-minor variation to remove a condition from the "Local Conditions".

Moved by Councillor William Keogh. Seconded by Councillor Donald Balsillie.



## Decision

Having considered all of the information presented to it and having had opportunity for questions to both parties, the Board agreed unanimously to grant the application for the non-minor variation to remove a condition from the "Local Conditions", namely:

- **Condition Removed:** Condition No.19 (For Licensed public spaces only) The licensed area must be supervised by an SIA licensed Steward between 6pm and closure on each Friday and Saturday (applies only when the area is in use).

## Action

Clerk to the Board

### (vi) **Application for Transfer of Application of Licence Holder and Non-Minor Variation – Eddy's Food Station**

Premises: 1 Woodburn Drive, Alloa, FK10 2HL

Applicant: Eddy's Food Station, 31 South Tay Street, Dundee, DD1 1NP

## Attending

Mr Gordon Emslie, GNE Consultancy Limited (Agent for the Applicant)

The Licensing Standards Officer advised that he had no comment on this application. The Board heard representation from Mr Emslie (Agent for the Applicant). The Board then had the opportunity for questions.

## Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for the transfer of application of licence holder and non-minor variation.

Moved by Councillor Kenneth Earle. 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 transfer of application of licence holder and non-minor variation.

## Action

Clerk to the Board

### (vii) **Application for Occasional Licence – Beer Festival**

Dates: 13 and 14 October 2023

Premises: Marquee situated in the grounds of The Hive, Park Place, Dollar, FK14 7AA

Applicant: Dollar Community Development Trust

## Attending

Mr Christopher Hudd, Trustee, Dollar Community Development Trust (Applicant)

Mr Paul Fair, Licensing Standards Officer

The Board heard representations from the Licensing Standards Officer and Mr Hudd, Dollar CDT (Applicant). The Board then had the opportunity for questions to both parties.

## **Motion**

Having considered all of the information presented to it and having had opportunity for questions to both parties, that the Board grants the occasional licence application, subject to the conditions set out in Appendix A of the Licensing Standards Officer's report including an amendment to the content of the notice to be displayed as set out in condition 2 to read "No alcohol can be removed from the **marquee area**".

Moved by Councillor Fiona Law. Seconded by Councillor Kenneth Earle.

## **Decision**

Having considered all of the information presented to it and having had opportunity for questions to both parties, the Board unanimously agreed to grant the occasional licence application, subject to the conditions set out in Appendix A of the Licensing Standards Officer's report to include an amendment to the content of the notice to be displayed as set out in condition 2 to read "No alcohol can be removed from the **marquee area**". The conditions are therefore:

1. No alcohol is to be removed from the licensed area and the licence holder must have in place suitable arrangements to ensure that no alcohol is removed from the licensed area.
2. A clear and legible notice of no less than A4 size must be placed in a position where it can be conveniently read by persons seeking to leave the marquee, which states that "**No alcohol can be removed from the marquee area.**"
3. Commemorative glasses being removed from the licensed area must be empty of all contents.
4. All staff making sales of alcohol or responsible for the service of alcohol must be trained in accordance with the terms of the Licensing (Training of Staff) (Scotland) Regulations 2007. (The Requirements of this training have been full explained to the applicant).
5. Prior to the commencement of licensed hours all staff working at the event in a capacity where they are selling or serving alcohol, must be properly briefed on the mandatory and local conditions of the licence, in particularly the requirements of the age verification policy. It will be the responsibility of the applicant to carry out this briefing.
6. Only alcohol sold by the licence holder can be consumed within the licensed area.
7. A minimum of 2, SIA licensed door supervisors will be on duty for the duration of the licensed hours on Saturday 14 October, 2023. Particulars of these stewards will be provided in writing to the Licensing Standards Officer at least 72 hours in advance of the commencement of the event. (Particulars means, Full Name, and Current SIA Licence number and type).

## **Action**

Clerk to the Board

## **5.0 GENERAL PERMITTED EXTENSION - FESTIVE PERIOD 2023 -24**

The report, submitted by the Clerk to the Licensing Board, enabled the Licensing Board to consider its approach to the festive period 2023-4.

## **Motion**

That the Board agree the recommendations set out in the report, with the chosen dates for the general extension period being during the periods from 15<sup>th</sup> to 17<sup>th</sup> December inclusive and from 22<sup>nd</sup> December 2023 to 2<sup>nd</sup> January 2024 inclusive.

Moved by Councillor Mark McLuckie. Seconded by Councillor Fiona Law.

**Decision**

The Board agreed unanimously:

1. To note that the Statement of Licencing Policy has incorporated the Festive Policy;
2. That any general extension incorporated into the Statement of Licensing Policy 2018 shall be in place during the periods from 15<sup>th</sup> to 17<sup>th</sup> December 2023 inclusive and from 22<sup>nd</sup> December 2023 to 2<sup>nd</sup> January 2024 inclusive; and
3. That the final general extension incorporated into the Statement of Licensing Policy shall end 2nd January 2024, as this is the last non working day of the festive period.

**Action**

Clerk to the Board

**6.0 AOCB**

Councillor Donald Balsillie asked the Licensing Standards Officer to monitor the effects of the General Permitted Extension for the Festive Period 2023/24 and provide a short report to the Licensing Board on the impact of the additional hours.

The Licensing Standards Officer confirmed that he will enquire with the licensed premises as to the impact of the Board's decision.

**Action**

Licensing Standards Officer

Ends: 11.52 hrs





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

## Licensing Board

### Licensing (Scotland) Act 2005

#### MEETING 7 November 2023 at 09:30hrs

Item	Type	Comments
Tillicoultry Golf Club	Occasional Licence	<p>Application Form and LSO report</p> <p>The Licensing Board are therefore asked to consider all the information before it and having done so to determine whether to:-</p> <ol style="list-style-type: none"> <li>1. Grant the licence</li> <li>2. Grant the licence subject to local conditions</li> <li>3. Refuse the application</li> </ol>
The Woolpack Inn	Premises Licence Review Application	<p>The Licensing Board are therefore asked to consider all the information before it and having done so to determine whether to:-</p> <ol style="list-style-type: none"> <li>1. Grant the licence</li> <li>2. Grant the licence subject to local conditions</li> <li>3. Refuse the application</li> </ol>

Linos Williams	Personal Licence Applicaition	<p>Application Form and LSO report (copies attached).</p> <p>The Licensing Board are therefore asked to consider all the information before it and having done so to determine whether to:-</p> <ol style="list-style-type: none"><li>1. Grant the licence</li><li>2. Grant the licence subject to local conditions</li><li>3. Refuse the application</li></ol>
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### APPLICATION FOR OCCASIONAL LICENCE

To:

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

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

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.

<b>1. LICENCE DETAILS (see note 1)</b>	
I am a :- (please tick <b>one</b> only)	
Premises Licence Holder	<input type="checkbox"/>
Personal Licence Holder	<input type="checkbox"/>
Representative of a Voluntary Organisation	<input type="checkbox"/>
Representative of a Members Club	<input checked="" type="checkbox"/>
Name and Address of Premises, licence number, Issuing Licensing Board (if applicable)	CLACKMANNANSHIRE LIC NO 126
Personal Licence Holder Name and Number (if applicable ) Issuing Licensing Board	—
Name of voluntary organisation or Members Club (if applicable) TILLCROFT GOLF CLUB	
Name of Personal Licence Holder and Licence No. of person responsible for authorising sales of alcohol at event - See guidance notes N/A	

<b>2. PERSONAL DETAILS</b>			
TITLE (delete as appropriate) <del>MR</del> <b>MRS</b> <del>MISS</del> <del>MS</del> <b>OTHER</b> (please state)			
FORENAMES	ANN		
SURNAME	DOUGLAS		
If you are applying on behalf of a Club or voluntary organisation please state your position in that club/organisation or provide other evidence that you are authorised or entitled to apply on their behalf.	ADMINISTRATOR		
DATE OF BIRTH	Day [REDACTED]	Month [REDACTED]	Year [REDACTED]
<b>ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES</b>			
[REDACTED]			
Post Town	[REDACTED]		
Postcode	[REDACTED]		
<b>TELEPHONE NUMBERS</b>			
DAYTIME	[REDACTED]		
EVENING	[REDACTED]		
MOBILE	[REDACTED]		
FAX NUMBER	[REDACTED]		
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)			
[REDACTED]			

<b>3. THE PREMISES (where the event is to be held -See note and answer fully)</b>		
Description of Premises. FUNCTION HALL + ADJACENT TOILETS, MEMBERS LOUNGE, JUNIOR CLUBHOUSE		
Full Postal Address of Premises which this Application Refers to ALVA ROAD, TILLCOUNTY FK13 6BL		
<b>IMPORTANT</b> From the 1 <sup>st</sup> November, 2016, premises which do not have a <b>Premises Licence</b> and which are used to provide "public entertainment" require to have in place a <b>Public Entertainment Licence (PEL)</b> or a <b>Temporary PEL</b> .		
Please confirm the following :	1 The premises have a current PEL	Yes/No
	or 2 Date Temporary PEL was been applied for -	



**Description of Activities to be Carried on in the Premises (see note and answer fully)**

CHRISTMAS FAMILY FUN DAY, ORGANISED BY COMMITTEE MEMBER MR ANGLA JIMPSON. SANTA GROTTO, TOMBOLA STALL, CRAFT STALL. CHILDREN'S DJ PROVIDING MUSIC IN FUNCTION HALL

Approximately How many persons will attend event ?

50

Will SIA Licensed Stewards to be provided ?

YES/ NO

Is food to be provided at the Event - If yes please provide details

NO FOOD, MULLED WINE AND SNACKS AVAILABLE. BAR OPEN.

**4. DURATION OF LICENCE**

Start Time and Date	End Time and Date
SAT 16th DEC 2023 10.00 am	SAT 16th DEC 2023 18.00 pm

**5. IS ALCOHOL TO BE SOLD FOR CONSUMPTION ON THE PREMISES YES/NO\*  
IS ALCOHOL TO BE SOLD FOR CONSUMPTION OFF THE PREMISES YES/NO\***

**PROVIDE DETAILS AS TO HOURS REQUESTED WHEN ALCOHOL WILL BE SOLD ON/OFF THE PREMISES-\* delete as appropriate**

Times for sale of alcohol for consumption On premises 10.00 - 18.00	Times for sale of alcohol for consumption Off premises N/A
--	---

**Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises**

CLUBHOUSE OPEN 09.00 - 18.00 FOR MEMBERS PLAYING GOLF

**6. CHILDREN (see note 2)**

**This section must be completed where alcohol is for sale for consumption on the premises**

Are children or young persons permitted entry? **YES/NO** (if answered 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?	<b>YES/NO</b>
---	---------------

Ages of Children of Young Persons Permitted Entry  0 - 17 yrs	Times at which Children or Young Persons Permitted Entry  10.00 - 18.00
---	---

Parts of Premises to which Children or Young Persons Permitted Entry

FUNCTION HALL, LOUNGE AND JUNGLE CLUBHOUSE

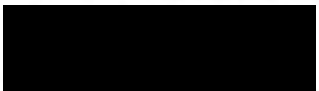
**7. Signature and declaration by applicant (see note 3)**

**DECLARATION**

**IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

(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.

<b>SIGNATURE</b>		<b>DATE</b>	4/9/23
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**\* 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

<b>8. CHECKLIST - Please tick</b>	
I have Made or enclosed payment of the fee for the application	✓ £10 BACS 6/9/23

**NOTES**

1. Section 56 of the Licensing (Scotland) Act 2005 provides that only:-

- The holder of a premises licence;
- The holder of a personal licence; or
- A representative of any voluntary organisation

is eligible to apply for an occasional licence

2. 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

3. Data Protection Act 1998

The information on this form may be held on an electronic register which may be available to members of the public on request.

4. Information on the Licensing (Scotland) Act 2005 is available on the website of the Scottish Parliament  
(<http://www.opsi.gov.uk/legislation/scotland/acts2005/20>)

**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**



## Memo

To: **The Clerk to the Licensing Board  
Kilncraigs  
Greenside Street  
Alloa  
FK10 1EB**

From: **Paul Fair  
Licensing Standards Officer**

Extension: **2091**

Email: **pfair@clacks.gov.uk**

Our Ref: **PF/LSO/OL/REP**

Your Ref:

Date: **19 October, 2023**

Subject: **Licensing (Scotland) Act, 2005, Section 57 (3)  
Occasional Licence Application – Members Club  
Tillicoultry Golf Club- Christmas Family Fun Day  
Saturday 16 December, 2023**

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 Officers is provided with a copy of the application.

Having considered the content of the application I have the following representation to make:

1. The application relates to “Christmas Family Fun Day” scheduled to take place on the premises on Saturday 16 December, 2023.
2. The application form provides basic details of the event.
3. The application seeks to operate the bar between 10am and 6pm for the purposes of this event.
4. The requested hours fall outside the range of hours approved for this type of event in the Clackmannanshire Licensing Board Statement of Licensing Policy.
5. I am concerned by the request for licensed hours beginning at 10am for what appears to be a very child orientated family event.
6. In considering the terms of the application I am concerned that the club membership and committee do not have a full understanding of the “Protecting Children and Young persons from Harm” licensing objective, and have failed to recognise its importance.

7. I can see no justification in relation to this event grant hours that are outwith the current Policy of Clackmannanshire Licensing Board, and to do so may cause conflict with the Protecting and Improving Public Health, and the Protecting Children and Young Persons from Harm licensing objectives.
8. The venue is suitable for an event of this nature.
9. In all of the circumstances the Board are asked to consider whether or not to grant the application.
10. The terms of the Licensing (Scotland) Act, 2005, do not allow for the application to be amended at a hearing held to determine the application.

*Paul Fair*

Licensing Standards Officer.





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

To: **The Clerk to the Licensing Board  
Kilncraigs  
Greenside Street  
Alloa  
FK10 1EB**

From: **Paul Fair  
Licensing Standards Officer**

Extension: **2091**

Email: **pfair@clacks.gov.uk**

Our Ref: **PF/LSO/PLRA/CC040**

Your Ref:

Date: **22 September, 2023**

Subject: **Licensing (Scotland) Act, 2005, Section 36(3)(za), 36(3)(a), 36(3)(b)  
Premises Licence Review Application  
Murray Investments Public Houses Limited,  
The Woolpack Inn1 Glassford Square, Tillicoultry FK13 6AU CC040**

1. Section 36(3)(za), 36(3)(a), and 36(3)(b), of The Licensing (Scotland) Act, 2005 (the Act) allows any person to make a premises licence review application.
2. Section 36(4) specifies the circumstances where a Licensing Standards Officer (LSO) can only make a review application in the terms of section 36(3)(a) – breach of licence conditions, if a compliance notice issued by the LSO in the terms of Section 14 of the 2005 Act, has not been satisfied.
3. This Premises Licence review application is made in the terms of Section 36(3)(za), 36(3)(a), and 36(3)(b).
4. The terms of Section 36 of the Licensing Scotland Act, 2005, are reproduced in **Appendix A** for the benefit of the Clerk, Licensing Board and the Premises Licence Holder
5. The Woolpack Inn, at 1 Glassford Square, Tillicoultry is a two storey public house type premises in the heart of the town of Tillicoultry. The premises consist of a ground floor bar area, with a traditional snug type room, and small lounge, upstairs there is a large single room within the licensed area that is designated as a function room. (a copy of the full premises licence will be included in the Board Papers)
6. The main door of the premises opens onto a roadway servicing the residential houses in Glassford Square. There is no footpath at the front of the premises and the roadway is relatively narrow. It is so narrow that customers are required to take care when leaving the premises and to ensure that vehicles are not travelling along the road.
7. The premises were granted Premises Licence No CC0040 in September, 2009, and were recognised as a very well run traditional village pub at the time.

8. On 15 May, 2018 the premises licence was transferred to the current premises licence holder – for some unexplained reason the company address was provided as 116 Blythswood Square, Glasgow, G2 4EG. Enquiries have failed to identify any formal connection to that address by the current licence holder.
9. The current premises licence holder, Murray Investments Public Houses Limited is a dormant company, registered as such on Companies House under No 11318511. The directors of this company are James and Jennifer Bacon.
10. The company is registered at 29 Endymion Mews, Hatfield, England, AL10 0EW.
11. Other than for a period on 17 June, 2022, the licence holder has never held a registered office at any other address.
12. The following paragraphs will summarise the information that suggests that the premises licence holder Murray Investments Public Houses Limited, and its directors are not fit and proper persons to hold a premises licence, highlight a number of licence mandatory conditions that have been breached, and detail a number of conflicts with the licensing objectives.
13. A table at **Appendix B**, contains a summary of the compliance concerns that have occurred since February, 2021.
14. If taken at face value that summary demonstrates that the premises licence holder has repeatedly failed to comply with even basic requirements of the Licensing (Scotland) Act, 2005, and as a result a number of long periods of unlawful trade in breach of Section 1 of the licensing Scotland Act, 2005, have occurred. This is in direct conflict with the licensing objective of preventing crime and disorder.
15. The summary identifies 4 separate occasions when the Premises Licence Holder appears to fail to comply with the requirements of Section 54 of the licensing Scotland Act, 2005 (February 2021, April 2022, January 2023, and June 2023).
16. Section 54 of the 2005 Act, is reproduced in **Appendix A**, it is clear that the terms of this section only permit notifications to be made in relation to the premises manager by the premises licence holder.
17. All of the failings detailed in the previous paragraph have resulted in breaches of premises licence mandatory condition No 4(1)(a) which states:-  
*“Alcohol is not to be sold on the premises at any time when— there is no premises manager in respect of the premises,”*  
Which in turn result in an offence being committed under Section 1 of the Licensing (Scotland) Act, 2005 – Section 1 of the 2005 Act, is reproduced at **Appendix A**
18. In the summary table, details of an incident at the premises on 15<sup>th</sup> July 2021 are listed – This incident occurred at a time when there was no premises manager named on the licence.
19. The management of the premises at a time where there is no premises manager named on the licence lies entirely with the premises licence holder.



20. The full details of this incident are recorded by Police Scotland as a complaint about the conduct of patrons sitting at tables outside the premises in the narrow lane. The complaint was made at 8pm on a Thursday night by a passing motorist who alleged he was verbally abused by the patrons. Police found 8-10 males with alcohol sitting at 3 or 4 tables placed on the road, outside the premises. Raymond Heller, a personal licence holder, presented as being in charge, however was unable to produce the premises licence and was unable to confirm that the area was a licensed outdoor drinking area.
21. In a subsequent joint meeting between the Licensing Standards Officer (LSO), Police Scotland and Mr Heller – Mr Heller confirmed that he was not the named premises manager, but that he was in charge of the premises at the time of the incident of the 15<sup>th</sup> July 2021. He made it clear that he had not been briefed by the licence holder, in fact he did not know who the licence holder was. He described the licence holder as “some fellow from London”.
22. Mr Heller (despite having recently passed his SCPLH exam) was unaware that he was required to produce the premises licence to the Police, had no idea where it was kept, and claimed to have never seen the licence. He was unaware whether or not outdoor drinking was permitted at the premises. In the shared view of the Police and the LSO, his knowledge fell far short of what would be expected of a competent Premises Manager.
23. As a result of the interaction with Mr Heller and the compliance failures identified I wrote a letter to the licence holder at the address on the licence, I also sent a copy of that letter to the address of the licence holder as shown on Companies House. Neither letter was ever acknowledged by the licence holder. However I was made aware by staff at the premises, that Mr Heller was no longer working at the premises and the matter was never followed up.
24. Information held suggests that Mr Heller left his role as premises manager at the Woolpack on or around 11 April, 2022. That is the date the Deborah Cleary began working at the premises in her capacity as manager.
25. Ms Cleary believed that she had been nominated as the premises manager, and admits that the premises were open for trade under her management throughout 2022 and into 2023. Ms Cleary is certain that Mr Heller did not work on the premises at anytime whilst she was the manager.
26. The premises Licence holder failed to notify the Licensing Board of Mr Hellers departure in April, 2022, and also failed to nominate Ms Cleary until January 2023.
27. The premises licence holder has caused or permitted the premises to trade unlawfully throughout that period (April, 2022 – January 2023)
28. However, it appears that Ms Cleary took what she “believed” to be her responsibilities seriously and that during this period other than the breach of

mandatory condition No 4, the premises appear to have been well run during this period.

29. On 28 February, 2023, Ms Cleary ceases to work at the premises and according to her, the premises were stripped of all, stock, and equipment. Information suggests that the premises then closed for some months.
30. The premises licence holders failed to notify the Licensing Board of the departure of Ms Cleary within the required 7 days.
31. Notification of Ms Cleary's departure was first given to Clackmannanshire Licensing Board on 10 May, 2023, when an incomplete variation application is submitted by the Premises Licence Holder.
32. This variation application nominates Raymond Heller as the premises manager, however it was rejected as incomplete, and returned to the Licence Holder along with clear instructions relating to resubmission of the application. There is no record of the application being resubmitted. However, it is uncontested that at some point after this date an amendment was agreed between the Clerk and the agent representing the licence holder. I am unsure at what date it is accepted that Mr Heller became the Premises Manager, however that matter is not important in the context of this report
33. Even if it is accepted that Heller was properly nominated and that this should take effect from 10 May, 2023, Heller leaves employment at the premises on or around 14 July, 2023. This date is important.
34. I spoke with Heller at 15:35 on 21 July, 2023 who was very clear in his position in that call and advised that he had left employment at the Woolpack the previous week, he was on holiday in the Wirral? He advised me that he was at his family home, and that he would not be returning to work at the premises.
35. In accordance with the language of Section 54 of the Licensing (Scotland) Act, 2005 Mr Heller ceased working at the premises in the week ending Saturday 15 July, 2023.
36. To comply with Section 54 the premises licence holder would have until 22 July to make the formal notification of his departure, and Mr Heller was made aware of this requirement.
37. The premises licence holder did not notify the licensing Board of his departure in compliance with the requirements of Section 54 of the 2005 Act.
38. In the week beginning Monday 28 August, 2023 I received a number of complaints about the manner in which an apparent new occupier of the Woolpack was operating. This included a complaint about using untrained staff, operating an unauthorised radio station on the premises and making alterations to the licensed footprint, of the premises. Further information suggested that an individual named only as "Stevie Mac", was also hosting late night "lock ins" at the premises where drinks were being served after licensed hours.

39. With a view to offering guidance in relation to these allegations and to addressing the issue of the premises being open for trade without a premises manager, I carried out a joint visit with Police Scotland. This visit took place on Thursday 30 August, 2023.
40. On arrival at the premises I was met by an individual who identified himself as Stevie McFarlane?. I assumed that this was one and the same as the “Stevie Mac” previously identified to me in the complaints referred to at paragraph 38.
41. This individual denied having any involvement or interest in the running of the licensed premises. I explained the term “interested party” to him and he remained adamant that he had no financial interest in the premises. On that basis I felt that I was unable to discuss the compliance concerns with him.
42. He identified a female named Llinos Willaims as the person who “owned” the pub, and claimed he was just in the bar doing odd jobs for her.
43. I carried out an inspection of the premises and discovered that a number of alterations had been made to the premises, including the full installation of a commercial radio station in the area identified on the layout plan as the “function room”.
44. Mr McFarlane admitted that he was responsible for these works claiming that the area was not part of the licensed premises. He stated that no building warrants or planning approval were required for the works, and insisted that the construction of a dividing wall had been completed prior to him taking occupancy of this area.
45. A subsequent check revealed that no variation application had ever been lodged in relation to these changes and that both planning consent and a building warrant would be required for the works completed.
46. Enquiry with the premises licence holder revealed he was unaware that these works had been carried out.
47. On Friday 1 September, 2023, I served a notice in the terms of Section 14 of the Licensing (Scotland) Act, 2005 on the premises licence holder. A copy of this notice is included at **Appendix C** and it is quite self explanatory.
48. Later that day the premises licence holder attempted to lodge a minor variation, naming Joyce Scott as the premises manager. This application was to take affect immediately.
49. Ms Scott has since been interviewed and denies agreeing to be the premises manager. She denies ever speaking to the Premises Licence holder, and was in fact out of the UK on holiday on 1 September, 2023, She did not return until the following Friday. She was not capable of becoming the premises manager.
50. Ms Scott states that she had a brief conversation with “Stevie Mac” about “working” at the pub and agreed to have a further conversation with him on her return from holiday.

51. In any case the application relating to Ms Scott was deemed to be incomplete (by the Clerk to Clackmannanshire Licensing Board), in that some of the prescribed information in relation to the proposed premises manager was missing. This application was rejected by Clackmannanshire Licensing Board and the premises licence holder was made aware of the rejection and the reasons for it being rejected.
52. At 22:05hrs on Friday 1<sup>st</sup> September, Police Scotland, reacting to information received called at the premises and found that it was open and staff were making sales of alcohol in contravention of the Section 14 Notice, and in contravention of Section 1 of the Licensing (Scotland) Act, 2005.
53. Police Scotland noted 20-30 persons on the premises, consuming alcohol and enjoying live entertainment and further noted that the tills were switched on.
54. The officers noted that the staff on the premises were unable to produce statutory training records and that none of them were personal licence holders.
55. They noted the details of the staff present. They were provided as Llinos Williams and June McLaughlin, both of whom admitted making sales of alcohol to the customers in the bar.
56. Llinos Williams identified herself to Police Scotland as being in charge and responsible for the operation of the bar and the sale of alcohol. She also identified as the "leaseholder" which in the terms of the Licensing Scotland Act, 2005, makes her an "interested party".
57. She was aware of the terms of the notice I had served earlier in the day. I am unaware of what explanation she offered to Police Scotland for breaching that notice, although I understand that she was incorrectly told by Solicitors representing the premises licence holder that she could lawfully trade.
58. It is important to note that around 6pm on Friday 1<sup>st</sup> September, 2023, I made it clear in a telephone conversation to the solicitors representing the premises manager that I was not "satisfied" that the terms of the notice had complied with. The law requires that the issuing LSO be "satisfied" that any Section 14 is complied with.
59. The full operational statement from the attending officers can be read out at the hearing if required.
60. Without any explanation the application pertaining to Ms Scott, was withdrawn and replaced with a variation application nominating another individual as Premises Manager. The application was complete and treated as correctly received by the licensing Board on Saturday 2 September, 2023.
61. A number of questions were asked of the premises licence holder in relation to the matters raised in this report. It was hoped that the answers to the questions would result in a reduction of the size of the report where agreement could be reached between the LSO and the Premises Licence holder. However, in relation

to those questions the answers have either not been supplied or appear to dispute the facts. A summarised extract of the email containing the questions asked and answers provided is included with this report at **Appendix D**

62. In all the circumstances I would ask the licensing Board to accept that grounds for review in the terms of Section 36(3)(za), 36(3)(a), and 36(3)(b) do exist and are evidenced in the submissions made in this report.
63. In relation to section 36(3)(za) it is suggested that Murray Investments Public Houses Limited and its directors, by the repeated failure to appropriately manage the premises, and manage their responsibilities under the licensing (Scotland) Act, 2005, in particular during periods when there was no appointed premises manager, are not a fit and proper persons to hold a premises licence.
64. In relation to Section 36(3)(a) it is suggested that grounds for review are established in relation to repeated breaches of the licensing conditions including, long periods of operation whilst there was not a premises manager in respect of the premises, and staff training records were not available for examination, and that in particular in relation to the breach of Mandatory Condition No 4 the Licensing Standards Officer has followed the procedure laid down in Section 36(4) prior to making the Premises Licence Review Application, at a point when the notice was not complied with to the satisfaction of the LSO on 1 September, 2023.
65. In relation to 26(3)(b) it is suggested that grounds for review have been established in relation to the numerous breaches of the licence conditions detailed in this report, periods of trade in contravention of Section 1 of the Licensing (Scotland) Act, 2005, repeated failures to comply with the requirements of Section 54 of the Licensing (Scotland) Act, 2005, failure to display copies of the current premises licence, staff being allowed to make unauthorised sales of alcohol, staff allowing persons to gather outside at tables, and encouraging a breach of the local byelaws.
66. In summary, it is suggested that Murray Investments Public Houses Limited, by their lack of involvement in the day to day running of the premises for which they hold the licence have operated in a manner that is inconsistent with the licensing objectives of preventing crime and disorder, protecting public safety, preventing public nuisance and protecting and improving public health. Even when failures were pointed out and they were provided with corrective advice they continued to pursue a course of action which resulted in further periods of trade without a premises manager, and no trained staff. Even after having been made aware that the premises were likely to be subject of a premises licence review application by myself, they took no corrective action to monitor licensing compliance at the premises, and continued to allow the premises to trade in a situation where there was no trained staff and no premises manager.
67. In the event that the Licensing Board make a finding that there are grounds for review, they may also wish to consider whether or not in terms of s84(2) the holder of any Personal Licence has acted in a manner which is inconsistent with

the licensing objectives, whilst working at or in connection with the licensed premises. In particular the Board may want to further explore the conduct of Raymond Heller holder of Stirling Personal Licence No. SC2376.

68. Furthermore in the event that the Board do find that grounds for review exist, they are invited to consider the full range of options available to them, including revocation of the licence, suspension of the licence, variation of the licence, and the option to take no further action.

*Paul Fair*

Licensing Standards Officer.

## **Appendix A: Legislative References**

### **Licensing Scotland Act, 2005**

#### **Section 1 Prohibition of unlicensed sale of alcohol**

(1) Alcohol is not to be sold on any premises except under **and in accordance with**—

- (a) a premises licence, or
- (b) an occasional licence, granted under this Act in respect of the premises.

#### **14 General functions of Licensing Standards Officers**

(1) A Licensing Standards Officer for a council area has the following general functions—

- (a) providing to interested persons information and guidance concerning the operation of this Act in the area,
- (b) supervising the compliance by the holders of—

- (i) premises licences, or
- (ii) occasional licences,

in respect of premises in the area with the conditions of their licences and other requirements of this Act,

(ba) providing information to Licensing Boards about any conduct of holders of, or persons applying for, personal licences in the area, which is inconsistent with the licensing objectives,

(c) providing mediation services for the purpose of avoiding or resolving disputes or disagreements between—

- (i) the holders of the licences referred to in paragraph (b), and
- (ii) any other persons,

concerning any matter relating to compliance as referred to in that paragraph.

(2) The function under subsection (1)(b) includes, in particular, power—

(a) where a Licensing Standards Officer believes that any condition to which a premises licence or occasional licence is subject has been or is being breached—

(i) to issue a notice to the holder of the licence requiring such action to be taken to remedy the breach as may be specified in the notice, and

(ii) if, in the case of a premises licence, such a notice is not complied with to the satisfaction of the Officer, to make a premises licence review application in respect of the licence,

(b) in relation to a premises licence, to make an application under that section for review of the licence on any other competent ground for review.

#### **Section 36 Application for review of premises licence**

(1) Any person may apply to the appropriate Licensing Board in respect of any licensed premises in relation to which a premises licence has effect for a review of the licence on any of the grounds for review.

(2) An application under subsection (1) is referred to in this Act as a “premises licence review application”.

(3) The grounds for review referred to in subsection (1) are—

(za) that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence,]

(a) that one or more of the conditions to which the premises licence is subject has been breached, or

(b) any other ground relevant to one or more of the licensing objectives.

(4) A Licensing Standards Officer may make a premises licence review application on the ground specified in subsection (3)(a) only if—

(a) in relation to the alleged ground for review, the Officer or any other Licensing Standards Officer has issued to the licence holder a notice under section 14(2)(a)(i), and

(b) the licence holder has failed to take the action specified in the notice to the satisfaction of the Officer.

(5) A premises licence review application must specify the alleged ground for review, including in particular—

(za) where the ground is that specified in subsection (3)(za), a summary of the information on which the applicant's view that the alleged ground applies is based,

(a) where the ground is that specified in subsection (3)(a), the condition or conditions alleged to have been breached,

(b) where the ground is that specified in subsection (3)(b), the licensing objective or objectives to which the alleged ground of review relates.

F3(5A) A person making a premises licence review application may include in the application any information that the applicant considers may be relevant to consideration by the Licensing Board of the alleged ground for review including, in particular, information in relation to—

(a) the licence holder,

(b) where the licence holder is neither an individual nor a council, a connected person in relation to the licence holder, or

(c) any person who is an interested party in relation to the licensed premises.

### **Section 54 Dismissal, resignation, death etc. of premises manager**

(1) This section applies where any of the events specified in subsection (2) occurs in relation to any licensed premises in respect of which a premises licence has effect.

(2) Those events are—

(a) the premises manager ceases to work at the premises,

(b) the premises manager becomes incapable for any reason of acting as premises manager,



(c)the premises manager dies, or

(d)the personal licence held by the premises manager is revoked or suspended.

(3)The premises licence holder must, not later than 7 days after the occurrence of the event, give notice of it to the appropriate Licensing Board.

(4)Subsection (5) applies if—

(a)subsection (3) is complied with, and

(b)within the period of 6 weeks beginning with the day on which the event occurs, a premises licence variation application is made seeking a variation of the premises licence in respect of the premises so as to substitute another individual as the premises manager.

#### **84 Conduct inconsistent with the licensing objectives**

(1)This section applies where, in the course of a review hearing in respect of any premises licence, a Licensing Board makes a finding such as is mentioned in subsection (2) in relation to any personal licence holder who is or was working in the licensed premises in respect of which the premises licence was issued (“the licensed premises concerned”).

(2)That finding is a finding that the licence holder concerned, while working as mentioned in subsection (1), acted in a manner which was inconsistent with any of the licensing objectives.

**Appendix B – Summary Table of Compliance Concerns**

<b>Date of event</b>	<b>Details Compliance Failure</b>	<b>Explanation offered by Premises Licence Holder</b>	<b>Statutory Reference</b>
28 February, 2021	PM Leigh Singleton Leaves employment at the premises- Premises Licence Holder fails to make the notification within 7 days	The question relating to this matter was not answered by the Licence Holder – No evidence of correct notification was produced	Section 54
28 February, 2021 until 23 April, 2021	Premises continue to trade without a premises manager		MC No Section 1
15 July, 2021	<p>Police Scotland attend a complaint and find a number of patrons consuming alcohol at tables unlawfully set up outside the premises – Being served by Raymond Heller who identifies as manager.</p> <p>Premises Trading with No premises Manager in Post at that time</p>	The premises licence holder appear in their response to the question relating to this matter that Heller was not appointed until after this incident (20 July, 2022)	Section 1 MC No 4
22 July 2021	<p>LSO/Joint Police Visit – Premises open and trading – No premises manager Heller identifies as Manager but has no knowledge of the terms of the premises licence, appears not to have even basic knowledge of the licensing objectives.</p>	Solicitor representing Licence Holder advises that a telephone conversation took place between her and Heller on 19 <sup>th</sup> July 2022	
April 2022	<p>Information from appointed manager (NOT formal PM at that time) confirms Raymond Heller no longer works at the premises and has returned to Crianlarich.</p> <p>Premises open and trading with no premises manager</p>	No explanation is offered by the licence holder in response to the questions that relate to this matter.	Section 54 And MC No 4

	<p>Appointed manager Deborah Cleary believes she has been formally appointed as PM</p> <p>Sue Williams? Confirms that Heller (her brother?) no longer works at the Woolpack</p> <p>Premises Licence Holder fails to Notify Licensing Board of Hellers departure</p>		
11 April 2022- 11 January, 2023	Premises trade under the management of Deborah Cleary, however she has never been formally appointed. Until January 2023)	No explanation offered for this failure by the Licence Holder	MC No 4 Section 1
28 February, 2023	Cleary ceases to work at the premises- Notification of this is not made to the Licensing Board by the Premises Licence Holder.	No explanation offered for this failure by the Licence Holder	Sec 54
10 May, 2023	<p>An incomplete variation application is made by the Premises Licence Holder to Clackmannanshire Licensing Board to nominate Raymond Heller as PM.</p> <p>This application is rejected with clear instructions for resubmission- The resubmission was never made.</p>	It is accepted that an agreed amendment could be made to this application – rendering the application as competent	
21 July, 2023	In a call with Raymond Heller, he confirms that he is no longer working at the premises, having left the previous week to go on holiday – No notification of his departure is made by the Premises Licence Holder	The licence holder claims that the notification was made by a person acting on their behalf	Section 54

August 2023	Complaints received by the LSO in relation to after hours drinking, the installation of a radio station, the change of use of the lounge area upstairs, the construction of a wall and the erection of an external notice on the wall	No explanation of these matters was offered	
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**Appendix C- Copy of Compliance Notice**

**LICENSING (SCOTLAND) ACT 2005  
COMPLIANCE NOTICE UNDER SECTION 14**

Notice is hereby given in terms of Section 14 (2)(a)(i) of the above Act and is issued by Paul Fair, a Licensing Standards Officer for Clackmannanshire Council

This notice requires action to be taken by the Licence Holder to remedy the breaches of the licensing conditions to which the Premises Licence is subject outlined below. Failure to do so to the satisfaction of the Licensing Standards Officer within the time allowed for compliance (if any) will result in an application to Clackmannanshire Licensing Board for a review of the Premises Licence.

<b>Premises Licence Holder &amp; Licence No:</b>	Murray Investments Public Houses Limited CC040
<b>Premises Name and Address:</b>	The Woolpack Inn, 1 Glassford Square, Tillicoultry
<b>Date &amp; Time Notice Issued:</b>	Friday 1 <sup>st</sup> September, 2023
<b>Premises Manager Details:</b>	No PM currently named on premises licence
<b>Manner of service:</b>	By Post (Recorded Delivery) & Left at premises / E-mail / Personal Service

**Details of Breach of Condition and Remedy**  
*Licensing Standards Officer should detail the condition(s) breached and describe the remedial action required to be taken in order to comply with this notice.\**

Premises Licence NO CC040

**The Premises Manager**

Condition No 4 (1) Alcohol is not to be sold on the premises at any time when—

(a) there is no premises manager in respect of the premises,

**As a result of a breach of the above mandatory condition no further sales of alcohol should be made on the premises until a premises manager has been nominated by the lodging a competent variation application with Clackmannanshire Licensing Board.**

All sales of alcohol on the premises must cease with immediate effect

<b>REQUIREMENT TO COMPLY</b>	
<b>With Immediate Effect:</b>	<b>YES</b>
<b>(or) Comply By:</b>	<b>N/A</b>

<b>Licensing Standards Officer (Print Name &amp; Signature)</b>	<b>Where served personally or left at premises Notice Received by (Print Name &amp; Signature)</b>
.Paul Fair.....  Telephone : 01259 450000	Name.....  Signature.....

**Appendix D – extract of emails between LSO and Premises Licence Holder.**

**For context the text in blue are the answers provided**

**From:** Paul Fair <[PFair@clacks.gov.uk](mailto:PFair@clacks.gov.uk)>

**Date:** 12 September 2023 at 17:33:49 BST

**To:** \*\*\*\* Redacted

**Subject:** **The Woolpack Inn CC040 OFFICIAL-SENSITIVE[COMMERCIAL]**

Dear Mr Bacon,

As part of a premises licence review application I am preparing I am seeking certain information that I hope you can provide.

The first is in relation to a notification made in the terms of Section 54 of the Licensing (Scotland) Act, 2005.

I have reproduced the terms of Section 54 below for your information, and I have highlighted the important words in relation to the ongoing matter that I am investigation.

**Licensing (Scotland) Act, 2005, section 54  
Dismissal, resignation, death etc. of premises manager**

(1) This section applies where any of the events specified in subsection (2) occurs in relation to any licensed premises in respect of which a premises licence has effect.

(2) Those events are—

**(a) the premises manager ceases to work at the premises,**

(b) the premises manager becomes incapable for any reason of acting as premises manager,

(c) the premises manager dies, or

(d) the personal licence held by the premises manager is revoked or suspended.

**(3) The premises licence holder must, no later than 7 days after the occurrence of the event, give notice of it to the appropriate Licensing Board.**

(4) Subsection (5) applies if—

(a) subsection (3) is complied with, and

(b) within the period of 6 weeks beginning with the day on which the event occurs, a premises licence variation application is made seeking a variation of the premises licence in respect of the premises so as to substitute another individual as the premises manager.

As highlighted the 2005 Act makes it clear that the Premises Licence Holder, in your case **Murray Investments Public Houses Ltd**, must notify the Licensing Board that a premises manager has ceased to work at the premises. **Anyone authorised to notify on behalf of the Premises licence holder may do so.**

1 - My records show that on 28 February 2021 Leigh Singleton ceased to work at the premises as Premises Manager, and that formal notification was not received until 23 April, 2023 **[I think this should be 2021?](it should be 2021 and an email amending this date was sent shortly after the initial email PF, LSO)** - Can you provide evidence that in relation to Leigh Singleton you complied with the Section 54 requirement in relation to Leigh Singleton, alternatively please provide any a explanation that you would want me to take into consideration for the failure to comply with that section. **Please can you**

confirm how intimation was done at 28<sup>th</sup> February 2021 as Leigh Singleton was still working for the tenant's company. We were advised of this in April 2021 and are carrying out investigations with the previous tenant on what dates were involved here and will revert as soon as we have that information. Lee Singleton's personal licence is reference CC786, issued by Clackmannanshire Licensing Board and issued on 22<sup>nd</sup> November 2018 therefore expiring on 21<sup>st</sup> November 2028 and requiring training to be done by 21<sup>st</sup> November 2023 and intimated no later than 21<sup>st</sup> February 2024.

2 - Can you confirm the details of who you believe to have been the premises manager at 2100hrs on 15 July, 2021, when the premises were visited by Police Scotland in relation to a complaint about unauthorised outdoor drinking -An application was lodged by email in May 2021 and was followed up with further details by email dated 20<sup>th</sup> July 2021, both to June Andison attaching a minor variation application to appoint Ray Heller as premises manager. The application fee had been paid on 18<sup>th</sup> May 2021. The application was acknowledged as received by June Anderson on 20<sup>th</sup> July 2021.

2 My records show that on 20th July, 2021 Clackmannanshire Licensing Board accepted an variation application to appoint Raymond Heller as premises manager. Can you confirm that Mr Heller was aware that he had been appointed and that he was provided a copy of the premises licence and conditions and a set of clear instructions in relation to how the premises should be managed on your behalf? If yes can you provide a copy of any written instructions provided to Mr Heller or summarise the guidance that was provided to him. Joanna Millar spoke to Ray Heller on 19<sup>th</sup> July 2021 at 16:54 to confirm his additional details and ensure he understood his rights and responsibilities as a manager.

3 Can you confirm the date on which Mr Heller left his role as PM at the Woolpack, evidence I have suggests that this was around April, 2022. Please provide evidence of compliance with Section 54 of the 2005 Act, in relation to his departure in April, 2022.

In terms of the operation of the premises, there was a period of time when the premises were closed. The premises licence holder is contacting the tenant who was in place at that time to obtain information on when the premises were closed and when Mr Heller left and we will update this information as soon as we receive same.

4 Please provide details of who you believe was the premises manager between 11 April, 2022 and 11 January 2023, when Deborah Cleary was formally appointed in a variation application received by the licensing Board. The premises were closed for a period of time and there was a proposed sale which fell through and our client is checking its records to confirm exact dates. We will confirm same once our client reverts.

5 On 28 February, 2023, Deborah Cleary left the employment of the premises - please provided evidence that you complied with the requirements of section 54 of the 2005 Act, in relation to her departure. The premises were closed for a period of time and there was a proposed sale which fell through and our client is checking its records to confirm exact dates. We will confirm same once our client reverts.

6 On 10 May, 2023, a submission was made by email to our licensing mailbox in the form of an incomplete variation application to nominate Raymond Heller again as PM, this submission was rejected as incompetent, and full reasons for its rejection along with instructions to resubmit an amended and competent variation application were provided by the Clerk to the Clackmannanshire Licensing Board. Can you confirm when the amended application was resubmitted and provide evidence that it was received by the Board, we can find no record of the submission. On 12th June Lee Robertson confirmed, in relation to the managers details, that the



box should be left blank if the information was not to be provided and stated “we are happy to accept current application with your confirmation that this information can be removed otherwise the Council will expect a new application form to be completed.” On 12<sup>th</sup> June Joanna Millar confirmed it was the intention to remove the information from Qu7 so, per Lee Robertson’s email, no further application form was required.

7 On 21 July, 2023 spoke with Raymond Heller who confirmed that he had left his employment at the woolpack a week earlier and was on holiday. Can you provide evidence of your compliance with Section 54 of the Licensing Scotland Act, 2005 in relation to his departure (That will be required only in the event that you maintain he was ever properly nominated as the premises manager in relation to the May submission). If you accept that he was never properly nominated as PM, there is no obligation placed upon yourself to make a section 54 notification in relation to his departure. Susan Williamson, for and on behalf of the premises licence holder, confirmed to Clackmannanshire licensing board on 24<sup>th</sup> July 2023 that Raymond Heller would no longer be responsible as premises manager as of 24<sup>th</sup> July 2023. That gave a six week statutory notice period which ended on Monday 4<sup>th</sup> September 2023. We do not accept he was never properly nominated and it is our position that Mr Heller was properly appointed as premises manager on the above licence as narrated above.

8 In the absence of a premises manager and aware that the premises were possibly trading unlawfully, I carried out a joint visit to the premises along with Police Scotland on Thursday 31 August, 2023, where I was met by a male who identified himself as Steve Macfarlane who denied any involvement in the running of the bar, and claimed to have no financial interest in its operation. Is Steve McFarlane an "interested party" in the terms of the Licensing (Scotland) Act, 2005? If he is do you wish to offer any explanation as to why he would deny this. The landlord is discussing this with Mr Macfarlane and we will revert.

9 I carried out an inspection of the premises and discovered that the layout had changed significantly from the approved layout plan that forms part of the Premises Licence can you provide evidence that the relevant variation application to notify these changes to the Licensing Board has been submitted prior to the changes being made ? If not is there any explanation for that failing The landlord understands the tenant is applying for any necessary consents but will update on this matter

10 Can you confirm that the structural and use changes have the required consents from Planning and Building Control? As above - the landlord understands the tenant is applying for any necessary consents but will update on this matter

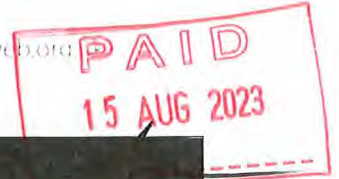
11 As a result of my findings on Friday 1 September, 2023 I served a compliance notice that was clear and unambiguous in its content, in my view the notice was not resolved to "my satisfaction" (a requirement of the Act) until Monday 4<sup>th</sup> September, 2023, when the Licensing Paralegal acknowledged that the required variation application appointing Mr Michie as premises manager was **received by the licensing Board** and thus triggering Section 31. In my view it cannot be said that a Licensing Board has **received** application at a time when they are not reasonably expected to be available. It is generally accepted that a Licensing Board performs its functions between 9am and 5pm Monday to Friday and notifications made outwith that period would be treated as received on the next working day. Police Scotland found the premises trading and in Full operation in the evening of Friday 1 September, in Breach of the notice I served. Is there any explanation of this breach that you would like me to take into consideration prior to submitting my Premises Licence Review Application. The six week period of notice in relation to the previous premises manager leaving expired on Monday 4<sup>th</sup> September 2023 and as such the premises were trading legally on 1<sup>st</sup> September 2023 and this was made clear to Police Scotland at their visit on 1<sup>st</sup> September 2023. An minor variation for the appointment of a premises manager was lodged with you on 1<sup>st</sup> September 2023 and was then superseded by a further application lodged on 2<sup>nd</sup> September 2023.

Thank you for taking the time to read this email, please acknowledge safe receipt of the email and a statement of understanding of the requests therein.

I appreciate that there is a lot of questions, however the I must advise that if you want me to consider a response I will have to receive that response by close of business on Monday 18 September, 2023 to allow me to meet a submission deadline of the October, licensing Board meeting.

If you have any questions please do not hesitate to contact me by email or telephone.

I must also advise that there are still a number of questions that remain outstanding and that were asked of you via your solicitor Ms Millar over that last few months, it would be helpful going forward if these outstanding matters could also be addressed.



**PERSONAL LICENCE**  
**First Application or Renewal Application**

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form 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.

<b>1. Your Personal Details</b>			
If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read Note 1.			
Full Name	Title	Surname	First Name
	MISS	WILLIAMS	LINDOS
National Insurance Number			
Age, Date & Place of Birth	Years	Date of Birth	Place of Birth
Home Address (Including Postcode)			
Telephone Number	Daytime		
	Evening		
Fax Number	#		
Email Address			
Address for Correspondence if different from above			

<b>2. YOUR LICENSING QUALIFICATION</b> Read Note 2.		
I hold an accredited qualification	<input checked="" type="radio"/> YES	<input type="radio"/> NO
IF YOU HAVE TICKED YES PLEASE PROVIDE A COPY OF YOUR QUALIFICATION WITH YOUR APPLICATION		
<b>3. FIRST APPLICATIONS ONLY</b> This section should only be completed if you are submitting your first application to this Licensing Board. If answering YES to any question please provide details below.		
Note: YOU MAY ONLY HOLD ONE PERSONAL LICENCE AT A TIME		
Do you currently hold a personal licence?	<input type="radio"/> YES	<input checked="" type="radio"/> NO
Do you currently have any outstanding applications for a personal licence with this or any other Licensing Board	<input type="radio"/> YES	<input checked="" type="radio"/> NO
Has any personal licence held by you been forfeited in the last 5 years?	<input type="radio"/> YES	<input checked="" type="radio"/> NO
Licensing Board		
Licence Number		
Date of Expiry		
Date of Issue		
Any Further Details		
<b>4. RENEWAL ONLY</b> This section should be completed only if you are applying for a renewal of your existing licence.		
Your personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below		
<b>DETAILS OF CURRENT PERSONAL LICENCE</b>		
LICENSING BOARD		
LICENCE NUMBER		
DATE OF ISSUE		
DATE OF EXPIRY		
ANY FURTHER DETAILS		
If you cannot provide your personal licence, provide a statement explaining why		

# Licensing Board



Clackmannanshire Council

www.clacksweb.org.uk

<b>OTHER PERSONAL LICENCE</b>					
Note: You may only hold one personal licence at a time					
I confirm that I do not hold any personal licences other than the one submitted for renewal			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO				
<b>5. CHECKLIST</b>					
I have		Please Tick Yes			
<ul style="list-style-type: none"> <li>Enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a person of standing in the community. Read note 3</li> </ul>		✓			
<ul style="list-style-type: none"> <li>Enclosed a copy of any licensing qualification I hold</li> </ul>		-			
<ul style="list-style-type: none"> <li>Enclosed my current personal licence (renewal only)</li> </ul>					
<ul style="list-style-type: none"> <li>Made or enclosed payment of the fee for the application</li> </ul>		✓			
<b>6. PREVIOUS CONVICTIONS</b>					
You must provide details below of any conviction for a relevant or foreign offence that is not considered spent under the Rehabilitation of Offenders Act 1974. Please continue on a separate sheet if necessary. If you are declaring that you have no such convictions please write "none" Read note 4.					
<b>OFFENCE</b>	<b>COURT</b>	<b>DATE</b>	<b>PENALTY</b>		
NONE					
<b>7. DECLARATION</b>					
The contents of this application are true to the best of my knowledge and belief					
<b>SIGNATURE</b> (read note 5)		<b>DATE</b>	15-8-23		

**PLEASE NOTE – IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

(Criminal Law (Consolidation) (Scotland) Act 1995 Section 44(2)(b))

**NOTES**

Information on the Licensing (Scotland) Act 2005 is available on the website of the Scottish Parliament  
<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>

# Licensing Board



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Council

[www.clacksweb.org.uk](http://www.clacksweb.org.uk)

## Extract from The Personal Licence (Scotland) Regulations 2007 (SSI 2007/77)

### Application for a Personal Licence

1.—(1) A personal licence application or a personal licence renewal application is to be—

- (a) in the form set out in Schedule 2; and
- (b) accompanied by—
  - (i) evidence that the applicant possesses a licensing qualification; and
  - (ii) two photographs of the applicant which comply with paragraph (2) and one of which has a statement on it in accordance with paragraph (3).

(2) The two photographs of the applicant must—

- (a) measure 45 millimetres by 35 millimetres;
- (b) be on photographic paper;
- (c) be taken against a light background; and
- (d) show the full face of the applicant, without the applicant wearing sunglasses or any head covering (unless the applicant wears such a covering on account of a religious belief).

(3) One photograph of the applicant must have on the back of it a statement by a person appearing to the Licensing Board to be a person of standing in the community, with the words “I certify that this is a true likeness of (*name of applicant*)”, followed by the full name of the person endorsing the photograph.

2. A personal licence application or a personal licence renewal application must be made in writing or, if the Licensing Board to which the application is made so agrees, by electronic transmission.

Please return the completed form together with the relevant fee to:

**The Licensing Administrator  
Clackmannanshire Council  
Kilncraigs  
Alloa  
FK10 1EB**

*If you require any further information please contact the Licensing Administrator on telephone number 01259 452093 or email address*

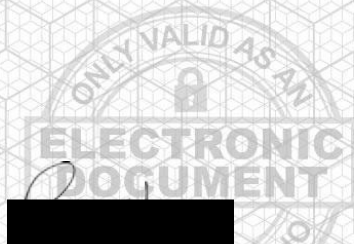


# LLINOS JANE WILLIAMS

has been awarded the

## Scottish Certificate for Personal Licence Holders at SCQF Level 6

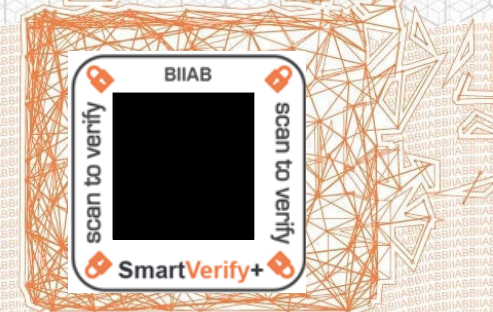
At: CJBN Consulting Ltd  
Award Date: 31 July 2023  
Qualification No: R650 04



Paul Eeles  
Chief Executive  
BIIAB Qualifications Limited



Enrolment Number: [REDACTED] | Certificate Number: [REDACTED]





## Memo

<b>To:</b>	<b>The Clerk to the Licensing Board Clackmannanshire Council Kilncraigs Greenside Street Alloa FK10 2AD</b>	<b>From:</b>	<b>Paul Fair Licensing Standards Officer</b>
		<b>Extension:</b>	<b>2091</b>
		<b>Email:</b>	<b>pfair@clacks.gov.uk</b>
		<b>Our Ref:</b>	<b>PF/LSO/PL-Rep</b>
		<b>Your Ref:</b>	<b>23/00354/PERLIC</b>
		<b>Date:</b>	<b>20 October, 2023</b>

**Licensing (Scotland) Act, 2005  
Application for a Personal Licence  
Llinos Williams, [REDACTED]**

1. In terms of Section 73A(2) of the Licensing (Scotland) Act, 2005 (the Act) I wish to make a representation in relation to the application for a personal licence made by the abovenamed.
2. This representation asks that the Licensing Board consider the information contained in paragraphs 3-28 before coming to a decision as to whether or not to grant a personal licence to the applicant.
3. The applicant (Ms Williams) completed a Scottish Certificate for Personal Licence Holders at SCQF Level 6 (SCPLH) course and qualification on 31 July, 2023
4. This course includes a statutory input on the role and powers of the Licensing Standards Officer, as well as a clear explanation of the Licensing (Scotland) Act, 2005, Section 14 Compliance Notice process.
5. The course also details the requirements in relation to staff training, and includes a detailed section that makes it clear that all staff working on licensed premises in a capacity where they are authorised to serve or sell alcohol must have received at least 2 hours of training covering 16 statutory topics of learning. Unless that person is the holder of a personal licence granted by a Scottish Licensing Board.
6. The course also provides detailed information about the premises manager on Licensed Premises and the course material explains clearly that alcohol cannot be sold on licensed premises at a time when no premises manager is named in connection with the premises.
7. Ms Williams submitted her application for a personal licence on 15 August 2023
8. At some point around mid July 2023, information provided to the LSO suggests that Ms Williams took over the lease for the Woolpack Public House, Glassford Square, Tillicoultry.
9. The premises licence holder should have made the applicant aware of the details of the premises manager and the terms of the premises licence. However as a recently qualified SCPLH qualification holder the applicant should have known that she would need to seek that information out, if it was not readily supplied.



10. On or around the 27 July 2023, it came to my attention, that there were some concerns connected with compliance matters at the Woolpack Inn.
11. I made contact with the named premises manager who advised that he had left the premises a week before and was on holiday in England and that he would not be back at the premises. He advised me that his employer (whom I assumed to be the premises licence holder) was aware of his departure.
12. On 27 July, I was unaware of Ms Williams formal connection to the premises.
13. In effect the premises, in the absence of premises manager, could not be used to make sales of alcohol.
14. The premises licence holder did not comply with the notification requirements of Section 54 of the Licensing (Scotland) Act, 2005.
15. On Thursday 31 August, 2023, I carried out a joint visit at the Woolpack Inn, along with an officer from Police Scotland.
16. The premises were open, although there were no sales of alcohol taking place and I was met by an individual who identified himself as a handyman carrying out tasks for Ms Williams who he described as the licence holder.
17. He made it very clear that he had no responsibility for the running of the bar, and as such I did not discuss the concerns with him (This is a matter I now know to be untrue, and I consider the conduct of this individual to be obstructive. I am now aware that the individual is the partner of the applicant, and I am advised that he is a joint leaseholder for the premises).
18. The following day (Friday 1 September, 2023) I made telephone contact with Ms Williams, and discussed the joint visit I had made the previous day.
19. Ms Williams confirmed that neither she nor the other member of staff that she employed held a current training record. Ms Williams admitted that she had been making sales of alcohol on the premises. I advised her that she should not make any further sales of alcohol until, she had been suitably trained or until her personal licence had been granted.
20. I made her aware that the premises did not have a premises manager and that any sales of alcohol made since his departure were unlawful. I made it very clear that no further sales should be made until a competent application to nominate a replacement premises manager had been made.
21. I served the attached notice created in accordance with Section 14 of the Licensing (Scotland) Act, 2005. A copy of the notice was left at the premises and communicated to the premises licence holder.
22. Ms Williams, acknowledged receipt of the notice, that she was clear that she understood its terms, and that she understood the potential consequences of breaching that notice. Ms Williams assured me that the premises would not open that day or for the rest of the weekend.
23. At 2200hrs that night, Police Scotland attended at the premises and found it to be in full operation under the control of Ms Williams, 20-30 customers with alcohol were on the premises and Ms Williams admitted that she and another staff member had made the sales of that alcohol.

24. The other staff member was not a personal licence holder and neither was able to produce a training record.
25. The information in relation to this police visit was passed to me in an operational statement from the attending Police Officer.
26. At the time of the Police visit, the Section 14 notice had not been complied with to the satisfaction of the issuing Licensing Standards Officer. In accordance with the terms laid out in the Licensing (Scotland) Act, 2005
27. The breach of the notice triggered a premises licence review application in relation to the Woolpack Inn.
28. The Licensing Board are asked to consider the contents of this report and any other information presented to them and determine whether or not Llinos Williams is a fit and proper person to hold a personal licence.

*Paul Fair*

Licensing Standards Officer.

**CLACKMANNANSHIRE**  
**Licensing Report**  
**2022-2023**



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



**POLICE**  
**SCOTLAND**  
Keeping people safe

## **Foreword**

It gives me great pleasure to provide the Annual Licensing Report for 2022/23, in accordance with Section 12(A) Licensing (Scotland) Act 2005.

Police Scotland has continued to achieve success by focussing on prevention, early intervention and enforcement. This has been made far more effective with the continued support of the many active partnerships that exist within the 32 Local Authorities across Scotland.

This collaborative working is vital to ensuring a fair and consistent approach to licensing while focussing on preventing alcohol fuelled violence, disorder and antisocial behaviour.

In the year ahead our approach will remain focused on prevention and collaboration to ensure efficient and effective service delivery. I will continue to encourage officers and staff to utilise the range of options available to improve licensing standards, reduce violence and to positively influence behaviour and attitudes across Scotland.

I would like to take this opportunity to thank our local partnerships and acknowledge their contribution in continuing to drive improvements with the Licensed Trade, and for the communities we all serve.

**Sir Iain Livingstone QPM**

Chief Constable

Police Service of Scotland

## **Police Scotland Licensing Overview**

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Partnerships, Prevention and Community Wellbeing Division, based at Dalmarnock Police Station, Glasgow.

The VPLCU upholds the two tier structure for licensing which supports both national and local priorities through service delivery. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams as well as undertaking other specialist functions.

The Violence Prevention and Licensing Co-ordination Unit is a specialist department which consists of a small team of officers. The officers within the unit work with divisional licensing teams and partner agencies to help shape policy and strategy around the police licensing function. They provide practical and tactical advice to police licensing practitioners, operational officers, supervisors and policing commanders.

The VPLCU seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the country and all opportunities are taken to stop the illegal or irresponsible sale, supply or consumption of alcohol, with the intention of preventing and reducing crime and disorder.

During 2022/2023, from a licensing perspective, our particular focus was on the following:

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Working closely with licensed premises.
- Governance of the National ICT Licensing System, known as 'Inn Keeper', to increase the efficiency and effectiveness of liquor and civic licensing administration and management.

Each of the 13 Local Policing Divisions have a licensing team responsible for the day to day management of licensing administration, complying with statutory requirements as well as addressing any issues that may arise within licensed premises in their local area.

## **Licensing Board Area**

The Clackmannanshire local authority area is policed by Forth Valley Division.

Chief Superintendent Barry Blair is the Police Divisional Commander who has overall responsibility for all day-to-day policing functions.

The officers who have responsibility for licensing within the area of Clackmannanshire are as follows:

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Local Area Commander; Chief Inspector Audrey Marsh  
Superintendent (Partnerships); Superintendent Steven Irvine  
Inspector, Preventions and Interventions; Inspector Vincent Hughes  
Licensing Sergeant; Sergeant Malcolm O'May

The Clackmannanshire Area Command serves over 51,000 local residents over an area covering over 61 square miles incorporating both urban and village communities. The sub-divisional headquarters are based in the council headquarters at Kilncraigs in Alloa.

There are a total of 134 licensed premises located throughout the Clackmannanshire Area Command. The highest concentration of premises are within Alloa town centre which has one nightclub and numerous bars.

### **Local Policing Priorities**

Following our public consultation process, the policing priorities for Forth Valley Division, as set out in our Local Policing Plan, are as follows:

- Protecting people most at risk of harm;
- Responsive to the concerns of the communities;
- Road safety and road crime;
- Enhancing our collective resilience to emerging threats;
- Promoting confidence through our actions.

Police Officers who work locally within Clackmannanshire Area Command and officers from the police Licensing Department, always have these priorities at the forefront of their mind during engagement with licensed premises staff and members of the community.

### **Operation of the Licensing (Scotland) Act 2005**

It is recognised that the misuse of alcohol can be harmful and damaging to our communities. Alcohol is very often a contributory factor in the calls that police officers attend, from low level anti-social behaviour to domestic abuse and incidents of serious violence and injury.

To put this in perspective, in the year under report there were 608 cases of violent crime recorded within the Clackmannanshire Area. There were 401 cases of disorder. In terms of offences linked directly with licensed premises, there were a total of 56 cases of violent crime and 29 cases of disorder.

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Police Scotland no longer holds the data which links offending and perpetrators who were drunk or under the influence of alcohol at the time the offence was committed. It is also important to note that in cases when perhaps the accused was not immediately traced by police, being under the influence of alcohol or drunk could not be ascertained. Therefore, it is a possibility that percentages of those under the influence of alcohol or drunk when committing offences could be higher.

The specific crime types are detailed in the statistics below, and show common assault and threatening abusive behaviour as by far the most common charges. Although not recorded as officially linked to licensed premises, those involved in other crimes will have purchased their alcohol from a licensed premises somewhere along the line, whether this has been sold responsibly or otherwise.

It is the responsibility of Police Scotland to ensure that staff in licensed premises are complying with the licensing objectives as detailed in the Licensing (Scotland) Act 2005, and to take the necessary action when it is established that this is not the case. It is also the responsibility of the police to ensure that those conducting themselves improperly on licensed premises are reported to the Procurator Fiscal and brought to justice.

In the Clackmannanshire Area Command this is achieved by the following means:

- Weekend Policing Plan

The policing of licensed premises in Clackmannanshire continues to be managed by the Weekend Policing Plan which is adapted weekly to take into account intelligence and recent incidents relating to licensed premises. The Divisional Alcohol and Violence Reduction Unit and Community Policing Teams resource this plan and conduct default patrols in Alloa town centre and around known hotspots as part of the plan. The focus of this is prevention, positive engagement and enforcement, as appropriate.

The Licensing Department review data from police systems on a daily basis and prepare a weekly report detailing all incidents within or connected to licensed premises throughout Clackmannanshire Area Command. This includes police reports, reported incidents in relation to licensed premises and any intelligence that is received. The report also includes any significant events which are taking place and details of occasional licences and extended hours granted to licensed premises. This information is shared weekly when the Licensing Department meet with the Local Area Commander.

If patterns are identified within a licensed premises which give cause for concern then the premises become a monitored premises and will be inspected on a more frequent basis by local officers. All information in relation to these visits is fed back to the licensing department, which considers any further action required.

If a premises is monitored, the additional visits also provide support for the premises staff, and any anti-social behaviour on the premises is dealt with robustly by the police officers in attendance. As can be seen from the attached statistics there have been very few offences relating to the Licensing (Scotland) Act 2005 within licensed

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premises although, as previously stated, there have been 56 charges involving violence and 28 disorder charges linked with licensed premises during the period of this report.

It is worth noting that there were also 3 charges in relation to persons consuming alcohol in a designated public place. These charges are generally as a result of proactive work on the part of the police to prevent this type of anti-social behaviour on the streets. The number of such offences in Clackmannanshire has been in single figures for many years now. There are also a significant amount of proactive inspections of licensed premises conducted, to ensure compliance with the legislation and the licensing objectives.

During the period under report there were 367 proactive visits to licensed premises throughout Clackmannanshire Area Command which is up from 289 in the preceding year. These visits include inspections of town centre premises but also a significant amount of visits to premises based in less urban areas that are carried out by police and often done jointly with the Licensing Standards Officer. Many of these visits are carried out at peak times.

- Monitoring / Interventions

Generally, if an incident occurs at licensed premises, contact is made with those in a position of responsibility, the incident discussed and any necessary action taken. In the majority of cases this prevents the repeat of any like incident. As mentioned in the previous section, if a premises gives cause for concern then it becomes a monitored premises. This involves local officers and officers from the licensing department engaging with staff in an attempt to identify why there may have been repeated incidents occurring on the premises, and offering the necessary advice and support.

If there is no improvement then officers from the licensing department meet with the Designated Premises Manager and in some cases the Premises Licence Holder and prepare an intervention plan which the police and the DPM/Licence holder sign. This involves agreed measures which will be taken to improve the operation of the premises; better staff training, a change in the hours stewards are employed, ensuring peak periods are covered, or more frequent toilet checks. The plans that are put in place are dependent on the problems being encountered.

Should the staff on the premises prove uncooperative and the problems continue then consideration would be given to submitting an application for review of the premises licence under Section 36 of the Licensing (Scotland) Act 2005, or a review of the personal licence of staff involved under Section 84A of the Licensing (Scotland) Act 2005.

During the period under report there was no requirement to class any premises in Clackmannanshire as monitored premises and no premises were subject to an intervention agreement. A premises licence review was submitted in relation to one premises and also against the premises licence holder. Both surrendered their respective licences prior to coming before the Board.

- Partnership Working

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There is a very cohesive working relationship between Police, Licencing Standards Officers and Environmental Health officers. Often, these collaborative approaches focus on preventing issues from arising and identifying emerging issues early so that these can be resolved prior to enforcement action being necessary. The joint aim is to ensure the highest operating standards are being upheld.

The Licensing Department monitor the conduct of door stewards by delivering a joint approach with SIA Officers in response to any improper conduct by licensed stewards. During 2022/2023, no enforcement action by police was necessary in relation to stewards in the Clackmannanshire area.

Similarly, the Licensing Department maintain close links with Immigration Enforcement to ensure persons are not being employed on premises without permission to work in the United Kingdom. No persons were found to be involved in the sale of alcohol who did not have permission to work in the UK.

Police Officers from the Licensing Department as well as local officers worked closely in partnership with the Licensing Standards Officer to identify and address any emerging issues before they became problematic. It would appear that there is general compliance with the law among licensed premises in the Clackmannanshire area. Regular contact between the police and these partners assists with the flow of information and ensures that any emerging issues can be dealt with effectively.

It should be noted that the management and staff of licensed premises are also assessed to be partners in our efforts to combat alcohol related crime and disorder. By developing good working relations with those in the trade, local officers have been able to develop community intelligence, assisting in detecting outstanding offences and disrupting those who involve themselves in serious criminality

- Licensing Policy Statement

Having been involved in 2018 in the development of the Clackmannanshire Licensing Board Statement of Licensing Policy 2018 – 2023, Police Scotland continued to take the Board's policy statement into account when assessing applications for licences and during discussions within the Licensing Forum. The Statement of Policy assists officers in understanding the expectations of the Board and ensuring that their actions are consistent with the aims and objectives of the Board. The policy is currently being reviewed and Police Scotland have contributed, and this includes statistical data for the question of overprovision. Whilst realising that the overprovision requirement is a complex and lengthy process, we will ensure Police Scotland are an effective consultee.

- Exclusion Orders / Closure Orders

Where a person is being reported to the Procurator Fiscal for an offence involving violence on licensed premises, the police can request that consideration is given to imposing an exclusion order if a person is convicted. Section 94 of the Licensing (Scotland) Act 2005, gives the Court the power to impose an exclusion order

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preventing the convicted person from entering certain licensed premises for a specified period of time. Police Scotland do not hold information as to how many of these requests are issued to accused persons convicted by the courts.

Under section 97 of the Licensing (Scotland) Act, police can apply to the Licensing Board for a closure order in relation to any premises as a result of a risk of disorder and risk to public safety. Provision also exists for an officer of or above the rank of Inspector to make an emergency closure order in certain circumstances. During 2022/2023 there has been no necessity to apply for a closure order or implement an emergency closure order in the Clackmannanshire area.

- Licensing Forum

A representative from the Police Licensing Department ordinarily attends the local licensing forum in order to hear from licence holders and members of the public and address any concerns they may have. This also contributes to an effective working relationship with licensed premises staff and ultimately a safer environment for the people of Clackmannanshire. This has yet to be re-established in the Clackmannanshire area, since lockdown when the Coronavirus restrictions were imposed.

- Applications For Licences

Section 22 of the Licensing (Scotland) Act 2005, covers applications for a premises licence. All applications for premises licences are considered by police. This is achieved by scrutinising police databases to ensure that the granting of a licence will not present issues for the community. Police officers from the Licensing Department will also make contact with local police officers to ascertain if they predict any problems with the granting of the licence and on most occasions will make contact with the prospective licence holder also. There have been no objections to premises licence applications during 2022/2023

Section 72 of the Licensing (Scotland) Act 2005, covers applications for a personal licence. All applications for personal licences are considered by police by carrying out checks on police databases. In the year 2022/2023 there were no objections to the grant of a personal licence.

- Other Licensing Offences

It is worth noting that there has been no-one reported to the Procurator Fiscal for offences under Section 1 of the Licensing (Scotland) Act 2005 (selling alcohol without a licence), or Section 63 of the Licensing (Scotland) Act 2005 (selling alcohol out with licensed hours), in the Clackmannanshire area during 2022/2023.

There is one charge relating to where a person buys or attempts to buy alcohol for a child.

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There is one charge where a person was found in a public place drunk and incapable of looking after themselves. These are specific offences under the Licensing (Scotland) Act 2005.

It can be concluded that through effective analysis of information and strong partnership working underpinned by our local policing priorities, licensed premises in Clackmannanshire operate for the most part effectively and safely and in support of the licensing objectives laid out in the Licensing (Scotland) Act 2005.

### **Preventing the sale or supply of alcohol to children or young persons**

It is recognised that alcohol misuse among children and young persons can be extremely damaging and may result in antisocial behaviour and have a negative impact on the community, as well as the children involved. As can be seen from the attached statistics there is one charge relating to buying or attempting to buy alcohol for a child.

Community Police Officers in Clackmannanshire engage directly with children, educating them as to the potential dangers involved in consuming alcohol. They have the trust of children and young persons in the local community and can gather intelligence in relation to their alcohol consumption and take any appropriate action. The police Preventions and Interventions Department covering Forth Valley also engage with young people throughout the community and deliver presentations that raise awareness of potential risks.

Police officers on day to day duties who come across children and young people under the influence of alcohol, share this information with partner organisations such as health, social work and education, so steps can be taken to establish the root cause for these behaviours rather than criminalising these children. As can be seen from the attached statistics, the percentage of criminal activity in and around licensed premises involving children is negligible.

### **Tackling Serious and Organised Crime**

Licensed premises are one type of business known to be used by Serious and Organised Crime (SOC) groups for the purposes of laundering money and the commission of drugs offences. Clackmannanshire Area Command fully engages with Scotland's SOC Strategy, aiming to Divert, Deter, Detect and Disrupt SOC and the harm it causes. This is not just about drugs, but is also linked to Human Trafficking, Cyber Crime and Sexual Exploitation.

Locally, the Community Policing Teams and Licensing Department regularly engage with the local community and staff within licensed premises ensuring that there is a comprehensive intelligence picture in relation to potential SOC activity within licensed premises in the area. The Licensing Department share information with the Force Disruptions Unit, working to deny persons involved in this type of activity access to licensed premises.

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**Proposed activity for the year ahead**

Police will continue to work alongside partners locally including the Licensing Standards Officer, Environmental Health Officers, HMRC and Trading Standards to ensure that on-sales and off-sales premises are safe places to frequent and socialise in. In so doing it is recognised that those in the licensed trade are valuable partners in working towards these objectives and we will work with them wherever possible.

As new challenges are presented, Police Scotland will seek to adapt and respond in a reasonable and proportionate manner to ensure that the licensing objectives and public safety are at the heart of our joint efforts in relation to licensed premises. Intelligence led policing of licensed premises will continue, responding to the concerns of our communities and taking enforcement action when necessary.

To conclude, we would like to thank you for your continued support during what has been another challenging year for all. We look forward to a safe and healthy 2024/2025.

See below statistical data for period 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023:

<b>Offence Description</b>	<b>Licensed Premises</b>	<b>Other locus type</b>	<b>% Licensed Premises</b>	<b>Total Offences</b>
Assault, Threaten, Abuse Retail Worker Engaged In Retail Work	1	9	10.0	10
Breach Of The Peace	4	10	28.6	14
Threatening Or Abusive Behaviour	24	353	6.4	377
	<b>28</b>	<b>373</b>	<b>7.0</b>	<b>401</b>
Assault	26	249	9.5	275
Assault To Injury	25	229	9.8	254
Assault, Assist Officer In Execution Of Their Duty		2	0.0	2

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Assault, Obstruct Or Hinder A Member Of The Emergency Services	1		100.0	1
Assault, Obstruct Or Hinder Emergency Worker		2	0.0	2
Assault, Officer In Execution Of Their Duty	3	38	7.3	41
Assault, Threaten, Abuse Retail Worker Engaged In Retail Work	1	4	20.0	5
Attempted Murder		4	0.0	4
Attempted Robbery		4	0.0	4
Murder		2	0.0	2
Robbery		18	0.0	18
	<b>56</b>	<b>552</b>	<b>9.2</b>	<b>608</b>
Act In Racially Aggravated Manner With Intent To Cause Distress And Alarm	1	19	5.0	20
Assault		8	0.0	8
Assault To Injury		7	0.0	7
Pursue Racially Aggravated Harassment		1	0.0	1
Threatening Or Abusive Behaviour		5	0.0	5
	<b>1</b>	<b>40</b>	<b>2.4</b>	<b>41</b>
	<b>85</b>	<b>965</b>		<b>1050</b>

**Clackmannanshire Area Command**

**Violent Crime and Disorder for the period 01/04/2022 to 31/03/2023**

Crime Type	Offence Description	Total Offences
<b>Licensing Offences</b>	A Person Behaves In A Disorderly Manner And Refuses/Fails To Leave Premises On Being Asked	5
	Attempt To Enter Relevant Premises While Drunk.	2
	Buying Or Attempting To Buy Tobacco Or Cigarette Papers For Person Under 18 Years Old	1
	Consume Alcohol In A Designated Public Place - Local Order	3
	Drunk & Incapable	1
	Person Buys Or Attempts To Buy Alcohol For A Child	1
	Refuse To Leave After End Of Licensed Hours When Asked To Do So	1
	Responsible Person Drunk Whilst On Relevant Premises	1
	<b>Licensing Offences Total</b>	<b>15</b>

Crime Type	Locus Type	Detected	Not Detected	% Detected	Total Offences
<b>Disorder</b>	Licensed Premises	26	3	89.7	29
	Other	307	65	82.5	372

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<b>Disorder Total</b>		<b>333</b>	<b>68</b>	<b>83.0</b>	<b>401</b>
<b>Violent Crime</b>	Licensed Premises	52	4	92.9	56
	Other	404	148	73.2	552
<b>Violent Crime Total</b>		<b>456</b>	<b>152</b>	<b>75.0</b>	<b>608</b>
<b>Racially aggravated harassment/conduct</b>	Licensed Premises	1		100.0	1
	Other	32	8	80.0	40
<b>Racially aggravated harassment/conduct Total</b>		<b>33</b>	<b>8</b>	<b>80.5</b>	<b>41</b>
<b>Grand Total</b>		<b>822</b>	<b>228</b>	<b>78.3</b>	<b>1050</b>