



NOTICE OF MEETING

27 November 2023

A MEETING of the CLACKMANNANSHIRE LICENSING BOARD will be held in Council Chambers, Kilncraigs, Alloa, on TUESDAY 5 DECEMBER 2023 AT 9.30 AM.



DALE BELL

pp. Clerk to the Clackmannanshire Licensing Board

	Page No
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. Licensing (Scotland) Act 2005:	
Hearing to Consider a Premises Licence Review Proposal	03
Premises: The Eagle Inn, 110 High Street, Tillicoultry, FK13 6DX	
Report by the Licensing Standards Officer attached.	
4. AOCB	--

Clackmannanshire Licensing Board – Board Members 8 (Quorum 4)

Councillors

Wards

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

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



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

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/PLRA/CC031

Your Ref:

Date: 24 November, 2023

**Subject: Licensing (Scotland) Act, 2005, Section 36.
Premises Licence Review – Unpaid Fees
The Eagle Inn, 110 High Street, Tillicoultry, FK13 6DX**

1. In the terms of Section 36(3)(b) of the Licensing (Scotland) Act, 2005 I wish to make application to review premises licence Number CC0031 granted by Clackmannanshire Licensing Board in favour of LAL (Public House) Limited, Albert House, 308 Albert Drive, Glasgow, G41 5RS.
2. The legislative provisions relating to premises licence review application are contained within Appendix A to this report.
3. This review application is made in relation to a breach of mandatory condition No 10(2) of premises licence No CC031. This condition requires the annual fee for the premises licence to be paid.
4. I can confirm that I have complied with the requirements of Section 36(4)(a) and 36(4)(b) as they relate to the service of a statutory compliance notice.
5. The licence holder has failed to comply with the terms of that notice to my satisfaction, in that the annual fee remains unpaid.
6. The file and service copy of the notice is included at Appendix B, and I can confirm that the notice was properly served personally by myself, by leaving it at the premises and by sending a copy to the last known address of the premises licence holder via a recorded delivery service.
7. The postal copy is, at the time of writing, shown as uncollected and I do not anticipate that status to change
8. The annual fee £280 was due on 1st October, 2023, the licence holder was sent advance notice of the amount due and the due date in September 2023.
9. The Eagle Inn has a history of late or non payment of the annual fee.
10. In 2020/21 I can find no record of a fee having been paid at all, and the last communication appears to be a final reminder sent on 3 February, 2021.

11. In 2021/22 The fee was finally paid 31 December, 2021 (2 months late) after 2 reminders.
12. In 2022/23 the fee was not paid until potential enforcement action was notified to the then legal agent of the premises licence holder. Payment was finally made in July 2023- 8 Months late.
13. The late payment of the 2022/23 annual fee was followed up with a clear reminder to the Premises Licence Holder to ensure that payment was made on time in 2023.
14. The premises have remained closed for a number of years now, with very little communication from the Premises Licence Holders.
15. I have been unable to make contact with the licence holder.
16. The licence holder has not notified the Licensing Board of any permanent change of address.
17. In all the circumstances I would suggest to the licensing Board, that the grounds for review relating to the failure to comply with the Statutory Notice detailed in appendix B do exist.
18. In the event that the Licensing Board agrees with the suggestion in Paragraph 12, I would recommend that they revoke premises licence no CC031.

Paul Fair

Licensing Standards Officer.

Appendix A

Licensing (Scotland Act, 2005)

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—

[F1(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—

[F2(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.

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.

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.

Premises Licence Holder & Licence No:	LAL (Public House) Limited CC031
Premises Name and Address:	The Eagle Inn, 110 High Street, Tillicoultry FK13 6DX
Date & Time Notice Issued:	02 11 2023 10:00hrs
Premises Manager Details:	No PM named on Licence
Manner of service:	By Post & Left at premises - E-mail / Personal Service
Details of Breach of Condition and Remedy <i>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.*</i>	
<p>The annual Fee for your Premises Licence was due on 1 October, 2023. To date it remains unpaid.</p> <p>The Premises Licence held by you in relation to the above premises known as The Eagle Inn is subject to Mandatory conditions. Condition number 10 on your licence states. :-</p> <p>Payment of annual or recurring fees</p> <p><i>10 (1) The condition specified in sub-paragraph (2) applies only in relation to a premises licence in respect of which an annual or other recurring fee is to be paid by virtue of regulations under The Licensing (Scotland) Act, 2005, section 136(1)</i></p> <p>(2) The fee must be paid as required by the regulations.</p> <p>You are in breach of this condition in that you have failed to pay the annual fee in respect of your premises licence. In order to remedy this breach to the satisfaction of the Licensing Standards Officer issuing this notice you are required to pay the annual of fee of £280.00 to Clackmannanshire Licensing Board.</p> <p>This action must be taken within 7 days from the date of this notice and you must not make or permit any further sales of alcohol to be made on the premises until this fee is paid.</p>	
REQUIREMENT TO COMPLY	
With Immediate Effect:	YES/NO
(or) Comply By:	Not Applicable
Licensing Standards Officer (Print Name & Signature)	Where served personally or left at premises Notice Received by (Print Name & Signature)
<div style="background-color: black; width: 80px; height: 20px; margin-bottom: 5px;"></div> Paul Fair Telephone : 01259 452091	Name..... Signature.....

Important Note

If this notice is not complied with within the specified timescale your Premises Licence will be subject of a review application in terms of Section 36 of The Licensing (Scotland) Act, 2005. This will result in a hearing before the Licensing Board to consider what if any steps are necessary to secure compliance with the Licensing (Scotland) Act, 2005.

The range of options open to the Licensing Board include :

- (a) Issuing a written warning
- (b) Making a variation of the licence
- (c) Suspension of the licence for such a period as the Board may determine
- (d) Revoking the licence

