



**Partnership and Performance**

Kilncraigs, Greenside Street, Alloa, FK10 1EB

Telephone: 01259 450000

**Memo**

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

To: The Chair  
Clackmannanshire Licensing Board  
Kilncraigs  
Alloa  
FK10 1EB

From: Dale Bell, Depute Clerk

Extension: [REDACTED]

Email: [REDACTED]

Our Ref: PLRA/CC139

Your Ref: 15/00465/PREM4

Date: 10 May 2024

**Licensing (Scotland) Act, 2005  
Premises Licence Review Application  
Clackmannan Bowling Club CC139**

1. An application for a premises licence review has been received in relation to the abovenamed licensed premises located within the Clackmannanshire Licensing Board area.
2. The application has been made by a member of the public who resides in close proximity to the premises.
3. A copy of the text of the application is included
4. The review application discloses that the applicant has been affected for a long period by excessive noise emanating from the premises for a significant period of time – many years.
5. The applicant further suggests that the premises are operating in breach of the licensing conditions, and that the general conduct of the premises and its patrons creates conflict with the licensing objectives.
6. The Review application is competent in that it is dated, signed and the contact details of the author are contained within the application – These details have been verified by the Licensing Standards Officer.
7. The information available suggests that the application would not meet the criteria of vexatious or frivolous, and it does appear to disclose matter that relevant to a ground for review. (Licensing Scotland Act 2005 Section 36 (6) – extract included)
8. The Licensing Board are required to hold a hearing to consider and determine the premises licence review application –except where they reject the application.
9. The Board are required to follow the procedure as set out in the Licensing (Scotland Act), 2005 at section 38 (Extract included).
10. That procedure is to set a date for the “Review Hearing”, give notice of that date to the applicant, give notice of that date to the licence holder and the Licensing Standards Officer and provide a copy of the application to both.

11. Before the Hearing the Licensing Standards Officer (LSO) must prepare a report on the application. (It would be helpful to specify to the LSO the date by which that report should be available.)
12. The Licensing Board may for the purposes of the review hearing obtain further information from such persons and in such a manner as the Board thinks fit, and take that information into account.
13. In this case it is known that Officers from Clackmannanshire Council Environmental Health department hold a great deal of information relating to the matter and that Police Scotland may also hold details of incidents that are relevant to the "Review Hearing."
14. The Licensing Board should in accordance with Section 38(6) invite any appropriate officer, or officers, from Environmental Health to the hearing and request that they produce all relevant documents.
15. These documents would be required to be shared with the Licence holder, the LSO and the applicant and as such it would be helpful to set a date in advance of the hearing by which any requested reports or documents should be made available.
16. 14 days is the normally accepted notification period for any reports and documents.



Dale Bell  
Depute Clerk  
Clackmannanshire Licensing Board

## Appendix A

### Text of Premises licence Review Application

From: [REDACTED]  
To: Licensing <licensing@clacks.gov.uk>  
Date: 21/04/2024 21:28  
Subject: Clackmannan Bowling Club - License Review

Hello,

My name is [REDACTED] and I reside at [REDACTED] Clackmannan, [REDACTED]. I am writing to you in relation to Clackmannan Bowling Club which is located next to my property. I wish to request a review of their licence as I do not believe they are adhering to the conditions of said licence. I have resided at the above address since October 2012 and have tolerated the noise nuisance from their premises for this time. I had tolerated it for several years as the events seemed more sparse therefore more tolerable however over recent years this has become more intolerable. I have made several complaints to licensing at Clackmannanshire Council alongside Environmental Health who have been liaising with myself and the bowling club attempting to resolve the issue furthermore, I have contacted the Police on some occasions. The bowling club often hold events that are unrelated to the sport itself in an attempt to generate revenue for its operations, this includes but not limited to private functions such as birthday parties, live entertainment including singers, comedy acts and DJ sets. These events have been advertised as open to members and non-members which I believe is not permission able under the licence terms as they are offering subsidised alcohol prices to non-members. A combination of these subsidised alcohol prices and DJs playing modern music attracts younger audience between the ages of 18-35 subsequently leading to higher levels of anti-social behaviour within a residential area. Whilst I understand that these premises offer other entertainment to the local community this cannot be at the complete disregard of the tenants residing within the area. The level of noise that is generated from these events are causing disruption to my life and impacting my ability to relax and sleep after work. My daughter who resides in the back bedroom of the property has trouble sleeping at the weekends as this music is entirely audible from her bedroom, she is probably the most affected by these events due to the bowling club being situated within our back garden. Once the event has finished there is usually an outpour of people under the influence hanging around our front garden waiting on taxis etc which generates a loud level of noise past midnight. I have also come across a woman urinating in my front garden and some of the attendees being sick in my garden. I have video evidence of some of these events to back my claims alongside my communications between the council and believe I have reasonable grounds to request a review of their licence going forward as I can no longer tolerate this.

I look forward to your response relating to this matter.

Kind regards,

## **Extract from Licensing (Scotland) Act 2005 – Section 36**

### **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.

(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.]

(6) The Licensing Board may reject a premises licence review application if the Board considers the application—

(a) is vexatious or frivolous, or

(b) does not disclose any matter relevant to any ground for review.

### **38 Review hearing**

(1) Where a Licensing Board—

(a) makes a premises licence review proposal, or

(b) receives a premises licence review application, the Board must hold a hearing for the purposes of considering and determining the proposal or application unless, in the case of a premises licence review application, the Board has rejected the application under subsection 36(6).

(2) A hearing under subsection (1) is referred to in this Act as a “review hearing”.

- (3) Where a review hearing is to be held, the Licensing Board must—
- (a) in the case of a premises licence review application, give notice of the hearing to the applicant, and
  - (b) give notice of the hearing and a copy of the premises licence review proposal or application to—
    - (i) the licence holder, and
    - (ii) any Licensing Standards Officer for the area in which the premises concerned are situated, unless, in the case of a premises licence review application, the applicant is such an Officer.
- (4) Where a Licensing Standards Officer receives under subsection (3)(b)(ii) a copy of a premises licence review proposal or application—
- (a) the Officer must, before the review hearing, prepare and submit to the Licensing Board a report on the proposal or application, and
  - (b) the Licensing Board must take the report into account at the hearing.
- (5) The Licensing Board may, for the purposes of the review hearing—
- (a) obtain further information from such persons, and in such manner, as the Board thinks fit, and
  - (b) take the information into account.
- (6) In particular, the Board may—
- (a) request—
    - (i) the attendance at the review hearing of any person for the purpose of providing information, and
    - (ii) the production at the review hearing by any person of any documents in that person's possession or under that person's control, and
  - (b) take into account any information relevant to any ground for review even though it is not relevant to any circumstances alleged in the review proposal or application under consideration.

