



Partnership and Performance

Kilncraigs, Greenside Street, Alloa, FK10 1EB

Telephone: 01259 450000

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

Memo

To: **The Clerk to the Licensing Board
Clackmannanshire Council
Kilncraigs
Alloa
FK10 1EB**

From: **Paul Fair
Licensing Standards Officer**

Extension: **2091**

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

Our Ref: **PF/LSO/NMV/REP/CC062**

Your Ref:

Date: **16 August, 2024**

Subject: **Licensing (Scotland) Act, 2005. Section 29
Application for a Non Minor Variation
The Inn, Muckhart, FK14 7JN**

1. Having considered the content of the application I have the following comments to make, these comments should be treated as a representation in the terms of section 22 of the Licensing (Scotland) Act, 2005.
2. The application to be determined seeks to vary the premises licence No CC062 in accordance with the submitted application form.
3. The variation seeks to make 6 amendments to the licence and operating plan as detailed in the application.
4. The premises are a very well managed rural public house in the village of Muckhart.
5. I have no concerns and have never received any complaints about the premises.
6. The premises have been fully compliant with all aspects to the Licensing (Scotland) Act, 2005 during recent regulatory visits.
7. In relation to this application the premises licence holders have sought assistance and thereafter followed all advice and guidance given by the Licensing Standards Officer.
8. In relation to Item No 3, I would suggest that the Licensing Board approve the removal of all the existing local conditions relating to the premises and replace them with the list of proposed conditions contained within appendix A to this report.
9. I have no concerns about the impact on the licensing objectives for any of the variations applied for.

Paul Fair Licensing Standards Officer.

Appendix A – List of Proposed Outdoor drinking area Licence Conditions.

The Board will require that in order to meet the licensing objectives under the Act that the applicant manages the outdoor drinking area in a responsible manner. Where the Board is minded to grant the application, some or all of the following conditions may apply to the licence:

- 1) Consumption of alcohol in the outdoor drinking is not permitted after 10.00pm. (other times may be agreed in appropriate circumstances).
- 2) No live or recorded music, live performances or other entertainment is permitted within the outdoor drinking area.
- 3) Customers using the outdoor drinking area shall at all times be supervised and/or monitored to ensure that nuisance or annoyance to neighbouring residents is not caused.
- 4) In particular staff must take all reasonable steps to prevent shouting, singing and disorderly conduct within the outdoor area.
- 5) 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.
- 6) 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.
- 7) Where smoking is permitted in the outdoor drinking area, ashtrays or other suitable receptacles will be provided.
- 8) 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.
- 9) The Premises Licence Holder must prepare a document for the benefit of the current Premises Manager and any staff working on the premises, explaining how compliance with the conditions of the premises licence, insofar as they relate to the licensed outdoor drinking area, will be achieved and supervised. This document must be available to staff at all times and a record should be kept of all staff trained in relation to it. This Document must also be available on the premises for inspection by the Licensing Standards Officer.
- 10) In any outdoor drinking area attached to the premises the licence holder will be required to display such notices as prescribed by the Licensing Board. Notices prescribed in relation to this conditions may relate to such matters as:
 - o Noise;
 - o Conduct of Customers;
 - o Children's and Young Person's Access to the Area;
 - o Permitted hours of use.



Licensing Board

Licensing (Scotland) Act 2005, Section 29 Application for Variation of Premises Licence

To:

Clerk to the Licensing Board
Clackmannanshire Council
Kilncraigs
Alloa
FK10 1EB

If you are Completing this Form by Hand, Please Write Legibly in Block Capitals using **BLACK INK**. Please Ensure the Completed Application is Signed by the Applicant, Dated and Returned to the Above Address along with the Fee and the Original Licence or a Statement of Reasons as to why the Original Licence Cannot be Produced.

APPLICANT INFORMATION

Question 1

Name, Address, Postcode and Licence Number of Premises.

The Inn
Muckhart
Dollar
FK14 7JN

CC062



Question 2

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

John Gibson & Partners T/A The Mansfield Arms
The Mansfield Arms
7 Main Street
Sauchie
FK10 3JR

DETAILS OF VARIATION

Question 3

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

Change of layout to premises

1 to create larger lounge bar/ dual use function room on the site of the existing outdoor drinking area to the rear of the premises

2 to create a new outdoor drinking area to the North of the existing licensed area (currently unused land at the edge of the car park)

3 to vary the local conditions relating to outdoor drinking to bring them into line with the current standard conditions contained within the statement of licensing policy and as recommended by the LSO.

4 Variation to terms of children's and young persons access to accommodate new function room area.

5 amend a historical error on the operating plan to show Chalet 1 and 2 as accommodation.

6 To amend the description of premises as to read as follows

Single storey traditional public house style building with accommodation attached in the form of two letting chalets. The premises consist of a lounge bar area separated into 3 areas, one of which is identified as a dual use occasional function area. The licensed area includes an outdoor drinking area to the rear as per the approved layout plan

OPERATING PLAN

Question 4

Do you Propose to Vary any of the Information Within the Operating Plan Contained in the Licence?

YES/NO

If Yes Please Complete and submit New Operating Plan to include the Proposed Variations.

LAYOUT PLAN

Question 5

Do you Propose a Variation to the Layout Plan Contained in the Licence?

YES/NO

If Yes Please Supply **6 Copies** of the New Layout Plan Conforming to Paragraph 5 of The Premises Licence (Scotland) Regulations 2007.

CONDITIONS

Question 6

Do you propose a variation to any of the conditions to which the licence is subject?

YES/NO

If Yes please give details of the proposed variation below

Please Note That You Cannot Vary any Condition Which Is on Your Licence By Virtue Of Section 27(1) Of The Licensing (Scotland) Act, 2005 (Mandatory Conditions).

PREMISES MANAGER

Question 7

If you Propose to Vary the Information Contained in the Licence Relating to the Premises Manager . Please Provide the following information.

Name, Address and Personal Licence Details (Number and Issuing Board) of the Existing Premises Manager

If only the existing Premises Manager's Personal Details have Changed Please Provide details

If there is a Change of Premises Manager Please Provide the following:-

Name and Address of the Proposed Premises Manager

Date and Place of Birth of the Proposed Premises Manager

Email Address and Telephone Number of the Proposed Premises Manager

Personal Licence

Date of Issue	Name of Licensing Board Issuing	Reference No. Of Personal Licence

Is the Variation Relating to the change of Premises Manager to Take Effect During the Application Period

YES/NO

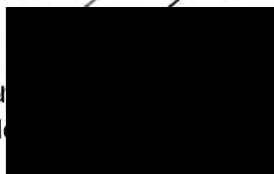
If the Answer to the Above Question is NO Please Provide Below the Date the Variation is to Take Effect.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature
* (See N



Date 7.1.24

Capacity

~~APPLICANT/AGENT~~
(Delete as appropriate)

Telephone Number and Email Address of Signatory

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.....

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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

Clackmannanshire Licensing Board has a duty to protect public funds that it administers and may use this information for the prevention and detection of fraud. For more details, please contact The Councils, Senior Auditor, on telephone number 01259 452047

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