

**APPLICATION FOR PREMISES LICENCE/~~PROVISIONAL PREMISES LICENCE\*~~**

\*Delete as appropriate

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

**Licensing (Scotland) Act 2005, section 20**

**APPLICANT INFORMATION** *Licensing (Scotland) Act 2005, section 20(1)*

**Question 1**

*Name, address and postcode of premises to be licensed.*

Alloa Clackmannan Road Service Station, Clackmannan Road, Alloa FK10 1QY

**Question 2**

*Particulars of applicant*

2(a) *Where applicant is an individual, provide full name, date and place of birth, and home address including postcode and telephone number.*

2(b) *Where applicant is a partnership, please provide full name, and postal address of partnership.*

2(c) *Where applicant is a company, please provide name, registered office and company registration number.*

Motor Fuel Limited, 10 Bricket Road, St Albans, AL1 3JX  
05206547

2(d) Where the applicant is a club or other body, please provide full name, and postal address of club or other body.

2(e) Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.\*

<b>William Bahlsen Bannister</b> [Redacted] No previous convictions
<b>Jeremy Clarke</b> [Redacted] No previous convictions
<b>Simon Paul Lane</b> [Redacted] No previous convictions
<b>Thomas Mckenzie Biggart</b> [Redacted] No previous convictions
<b>Timothy Edward Douglas Allan</b> [Redacted] No previous convictions
<b>Adam George Wadlow</b> [Redacted] No previous convictions

\* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.

**Question 3**

*Previous applications*

3 Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises? **YES/NO\***

If YES – provide full details

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**Question 4**

Previous convictions

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	<b>YES/NO*</b>
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\*If YES – provide full details

For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974

Name & position (if applicable)	Date of conviction or sentence	Court	Offence	Penalty

**DESCRIPTION OF PREMISES** Licensing (Scotland) Act 2005, section 20(2)(a)

**Question 5**

5 Description of premises (where application is submitted by a members' club, please also complete question 6)

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(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

The premises are located at Clackmannan Road, Alloa FK10 1QY.

The premises as a general convenience store adjacent to petrol/derv filling station forecourt. The site has car parking separate from the fuel pumps. The premises do not form part of the nearby retail supermarket premises.

The petrol/derv filling station forecourt area is not part of the area to be licensed. The premises offer substantial general convenience separate from, and supplementary to, the offer of petrol/derv.

The applicant considers that persons within the locality of the premises are reliant on the premises to a significant extent on the premises as a principal source of petrol or derv or groceries and thereby satisfy the criteria of section 123(5) of the Licensing (Scotland) Act and as such are not excluded premises.

**Question 6**

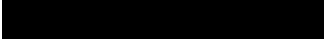
6 *To be completed by members' clubs only*

<i>Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?</i>	YES/NO*
<i>* Delete as appropriate</i>	

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please state in what capacity.**

The contents of this Application are true to the best of my knowledge and belief.

Signature  (see note below)

Date 02/09/2024

Capacity Solicitor -~~APPLICANT~~/AGENT (delete as appropriate)

Telephone number and email address of signatory

Agent: Harper Macleod LLP, 45 Gordon Street, Glasgow, G1 3PE



***I have enclosed the relevant documents with this application – please tick the relevant boxes***

<i>Operating plan</i>	✓
<i>Layout plan</i>	✓
<i>Planning certificate</i>	✓
<i>Building standards certificate</i>	✓
<i>Food hygiene certificate</i>	✓

**\* 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><u>For use by the Licensing Board only</u></b>	
<b>Application checklist</b>	
<b>Date received</b>	
<b>Fee amount</b>	
<b>Receipt number</b>	
<b>Received by (<i>INITIALS</i>)</b>	
<b>Consideration date</b>	
<b>Last date for consideration</b>	
<b>Date of initial hearing</b>	
<b>Date of any modification hearing</b>	
<b>Date granted/refused (delete as appropriate)</b>	

<b><u>For use by the Licensing Board only</u></b>	
<b>If application is for a premises licence</b>	
<b>Documents required</b>	
<b>Operating plan</b>	
<b>Layout plan</b>	
<b>Planning certificate</b>	
<b>Building standards certificate</b>	
<b>Food hygiene certificate</b>	

<b><u>For use by the Licensing Board only</u></b>	
<b>If application is for a provisional premises licence</b>	
<b>Documents required</b>	
<b>Provisional planning certificate</b>	
<b>Operating plan</b>	
<b>Layout plan</b>	

**OPERATING PLAN**

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

**Question 1**

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

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

**Question 2**

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

Day	ON Consumption	
	Opening time	Terminal hour
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

**Question 3**

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

<b>Day</b>	<b>OFF Consumption</b>	
	<b>Opening time</b>	<b>Terminal hour</b>
<i>Monday</i>	10:00 hrs	22:00 hours
<i>Tuesday</i>	10:00 hrs	22:00 hours
<i>Wednesday</i>	10:00 hrs	22:00 hours
<i>Thursday</i>	10:00 hrs	22:00 hours
<i>Friday</i>	10:00 hrs	22:00 hours
<i>Saturday</i>	10:00 hrs	22:00 hours
<i>Sunday</i>	10:00 hrs	22:00 hours

**Question 4**

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<del>YES</del> /NO*
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\*If YES – provide details



**Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>COL. 1</b> <b>5(a)</b> <b>Activity</b>	<b>COL. 2</b> <b>Please confirm</b> <b>YES/NO</b>	<b>COL. 3</b> <b>To be provided</b> <b>during core</b> <b>licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>COL. 4</b> <b>Where activities are</b> <b>also to be provided</b> <b>outwith core</b> <b>licensed hours</b> <b>please confirm</b> <b>YES/NO</b>
<i>Accommodation</i>	No	N/A	N/A
<i>Conference facilities</i>	No	No	No
<i>Restaurant facilities</i>	No	No	No
<i>Bar meals</i>	No	No	No
<b>5(b) Activity</b> <b>Social functions</b> <b>including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core</b> <b>licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core</b> <b>licensed hours</b> <b>please confirm</b> <b>YES/NO</b>
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays,</i> <i>retirements etc.</i>	No	No	No
<i>Club or other group</i> <i>meetings etc.</i>	No	No	No
<b>5(c)</b> <b>Activity</b> <b>Entertainment</b> <b>including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core</b> <b>licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core</b> <b>licensed hours</b> <b>please confirm</b> <b>YES/NO</b>
<i>Recorded music –</i> <b>see 5(g)</b>	Yes	Yes	Yes
<i>Live performances –</i> <b>see 5(g)</b>	No	No	No
<i>Dance facilities</i>	No	No	No
<i>Theatre</i>	No	No	No
<i>Films</i>	No	No	No
<i>Gaming</i>	No	No	No
<i>Indoor/outdoor sports</i>	No	No	No
<i>Televised sport</i>	No	No	No

<b>5(d)</b> <b>Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core</b> <b>licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core</b> <b>licensed hours</b> <b>please confirm</b> <b>YES/NO</b>
<i>Outdoor drinking facilities</i>	No	No	No
<b>5(e)</b> <b>Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core</b> <b>licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core</b> <b>licensed hours</b> <b>please confirm</b> <b>YES/NO</b>
<i>Adult entertainment</i>	No	No	No

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

The premises may play background music is in the retail areas of the store. The premises may operate outwith alcohol licensing, up to 24 hour basis.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

The premises comprise of general convenience store with off sale facility adjacent to petrol/derv filling station forecourt. The premises offer takeaway "food on the go". Customers may order groceries, food and drinks, including alcoholic drinks for home delivery from the premises

5(g) Late night premises opening after 1.00am – N/A

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	YES/NO*
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<i>When fully occupied, are there likely to be more customers standing than seated?</i>	YES/NO*
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*\*Delete as appropriate*

**Question 6 (On-sales only)**

CHILDREN AND YOUNG PERSONS - N/A

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES/NO*
	*Delete as appropriate	

6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

**Question 7**

*CAPACITY OF PREMISES*

*What is the proposed capacity of the premises to which this application relates?*

Off sales display: 9.228 m<sup>2</sup>

**Question 8**

***PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)***

*Personal details*

8(a) *Name*

8(b) *Date of birth*

8(c) *Contact address*

8(d) *Email address and telephone number*

8(e) *Personal licence*

<b><i>Date of issue</i></b>	<b><i>Name of Licensing Board issuing</i></b>	<b><i>Reference no. of personal licence</i></b>

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please state in what capacity.**

The contents of this operating plan are true to the best of my knowledge and belief.

Signature



\* (see note below)

Date 30 / 04/ 2024

Capacity Solicitor ~~APPLICANT~~/AGENT (delete as appropriate).

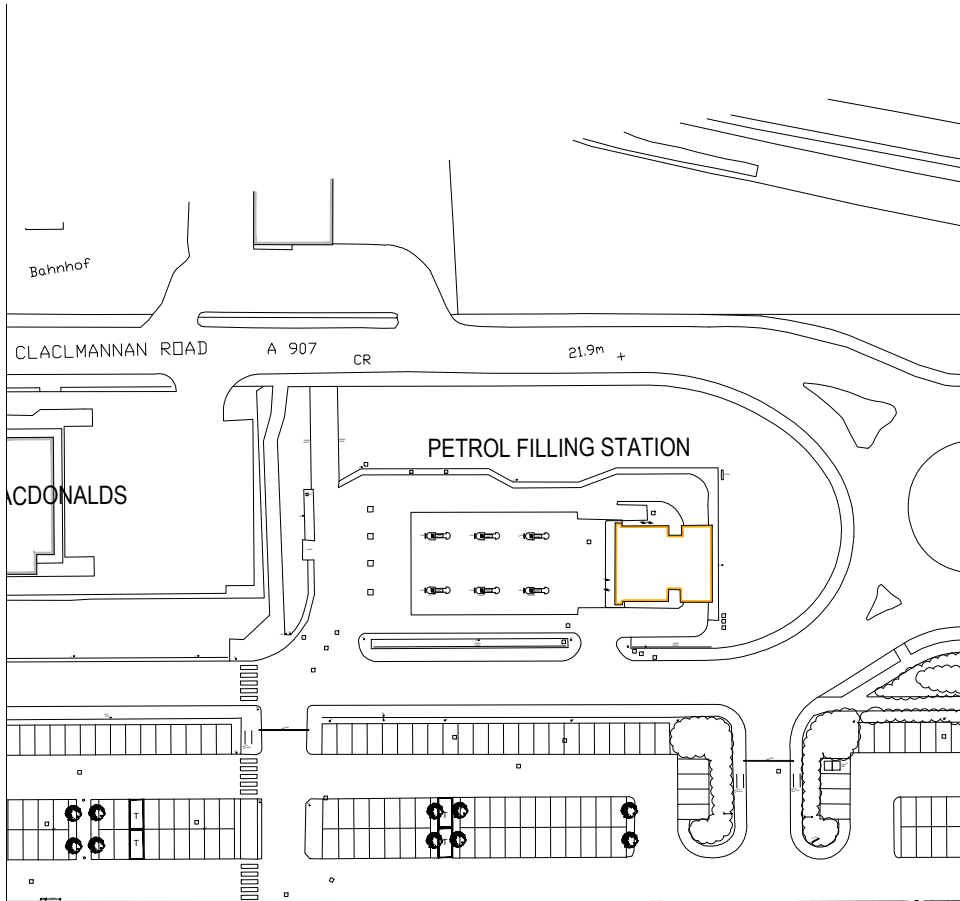
Telephone number and email address of signatory .....

Agent: Harper Macleod LLP, 45 Gordon Street, Glasgow, G1 3PE



**\* 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.



Site Plan Scale 1:1250

Children and young persons are permitted access to all public parts of the premises

Square Meters					
Store Name		Alloa			
Store Number		2162			
Number Of Units	Bay/Fixture	Height	Width	Depth	M2
0	Side Rack	1720	610	300	0.00000
<b>Total Display Units Capacity</b>					<b>0.00000</b>
0	1000 Fixture	1410	1000	470	0.00000
1.00	800 Fixture	1410	800	470	1.12800
2.00	Kiosk Kit	1800	1000	300	3.60000
0.00	1250 Panama fridge bay	1800	1250	750	0.00000
0.00	937 Panama fridge bay	1800	937	750	0.00000
2.00	1250 Pearl M fridge bay	1800	1250	750	4.50000
0.00	937 Pearl M fridge bay	1800	937	750	0.00000
<b>Total Shelving Capacity</b>					<b>9.22800</b>
<b>Miscellaneous BWS Display Base</b>					
Visible Display	Display Base	2200	610	610	0.00000
<b>Total Department Capacity</b>					<b>9.22800</b>

Key - Drawing Information

[Red Hatched Box]	FIXTURE LICENCED FOR SALE OF ALCOHOL - ACCESSIBLE
[Green Hatched Box]	FIXTURE LICENCED FOR SALE OF ALCOHOL - INACCESSIBLE
[Blue Line]	BOUNDARY OF PREMISES SALES FLOOR
[Orange Outline]	LOCATION OF PREMISES ON SITE PLAN

Key - Fire Symbols

[Symbol]	NOTICE - 'FIRE DOOR-KEEP CLOSED'
[Symbol]	NOTICE - 'KEEP LOCKED'
[Symbol]	ILLUMINATED EXIT DIRECTION
[Symbol]	EXIT SIGN
[Symbol]	EMERGENCY LIGHTING
[Symbol]	ALARM CALL POINT
[Symbol]	AUDIBLE WARNING
[Symbol]	SMOKE DETECTOR
[Symbol]	SMOKE DETECTOR PANEL
[Symbol]	DOORS FITTED WITH PUSH BARS
[Symbol]	DOORS FITTED WITH PRESSURE RELEASE
[Symbol]	ROLLER SHUTTER DOOR
[Symbol]	FIRE EXTINGUISHER - WATER TYPE
[Symbol]	FIRE EXTINGUISHER - FOAM TYPE
[Symbol]	FIRE EXTINGUISHER - CARBON DIOXIDE
[Symbol]	FIRE EXTINGUISHER - DRY POWDER TYPE
[Symbol]	FIRE EXTINGUISHER - AQUEOUS SOLUTION
[Symbol]	FIRE EXTINGUISHER - VAPOURISING LIQUID
[Symbol]	FIRE BLANKET
[Symbol]	FIRE HOSE REEL
[Symbol]	FIRE RESISTANT WALLS
[Symbol]	FIRE RESISTANT DOORS

NOTES:

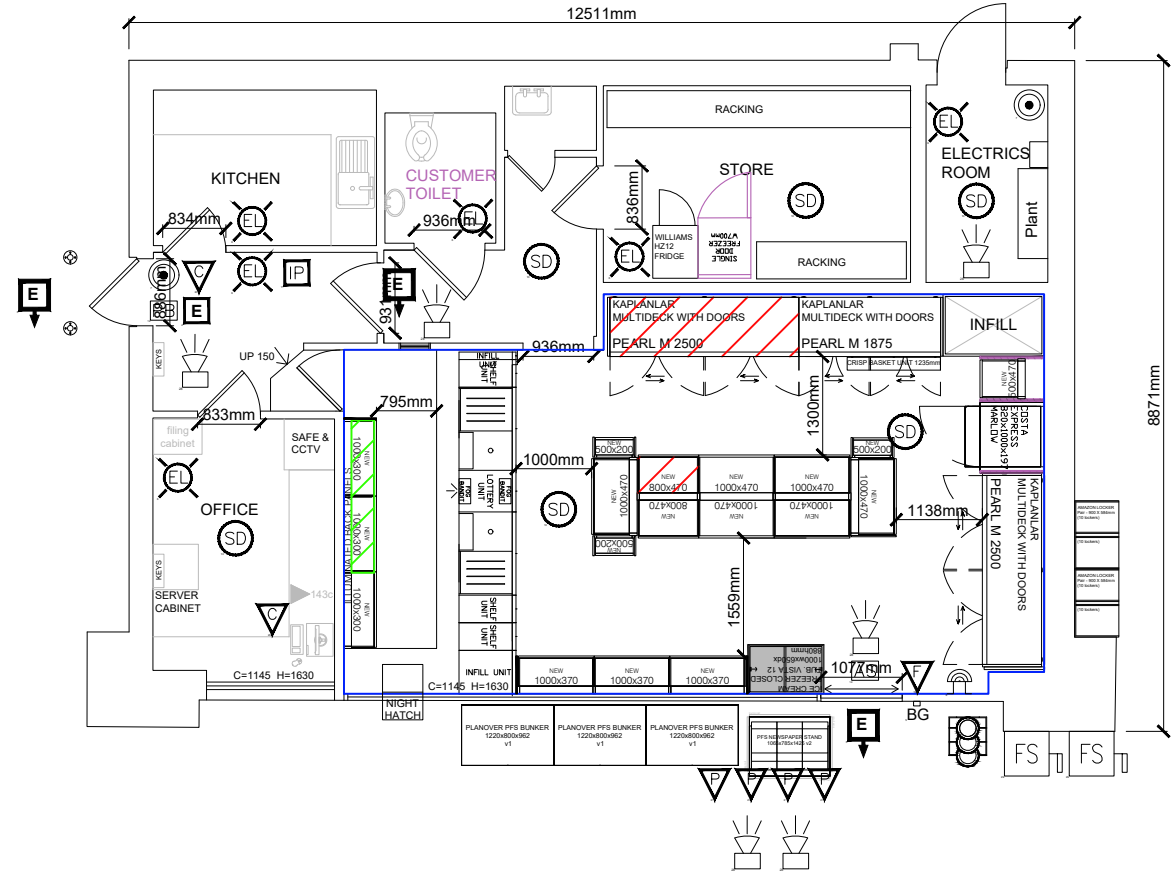
1. FIRE FIGHTING EQUIPMENT & ALL OF THE REQUIREMENTS OF THE FIRE SERVICE WILL BE INCORPORATED & WILL BE PROVIDED TO COMPLY WITH THE EUROPEAN STANDARDS

No. BSEN3 & BS7863.

FIRE STANDARDS:

- FIRE SAFETY RELATED SIGNS AND NOTICES ARE TO THE HEALTH AND SAFETY (SAFETY SIGNS & SIGNALS) REGULATIONS ACT 1996. THOSE THAT COMPLY TO BS 5499, PART 1, 1990 ALSO COMPLY.
- ILLUMINATED 'EXIT' SIGNS ARE TO CONFORM TO BS2560
- FIRE FIGHTING EQUIPMENT IS TO COMPLY WITH EUROPEAN STANDARDS BS EN3 AND BS 7863

NOTE:  
TOTAL ALCOHOL DISPLAY AREA:  
09.22800m<sup>2</sup>



FS2162 Alloa Clackmannan Road	
CLACKMANNAN ROAD ALLOA FK10 1RY	
SALES FLOOR	
RETAIL SALES AREA	497 Sq. Ft.
Scale: 1:100	only scaled on <b>A3</b>
<b>mfg</b> motor fuel group	

## SCHEDULE 6

Regulation 7

## DISABLED ACCESS AND FACILITIES STATEMENT

*Licensing (Scotland) Act 2005, section 20(2)(b)(ia)***Question 1****Disabled access and facilities**

1(a)	Is there disabled access to the premises	YES
1(b)	Do you have facilities for those with a disability	YES
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES
<i>*Delete as appropriate</i>		

If you have answered Yes to any of the questions above please complete, as appropriate, the following sections.

**Question 2****Disabled access to, from and within the premises**

Please provide clear and detailed description of how accessible the premises are for disabled people. e.g. ramps, accessible floors, signage.

The customer areas of the premises are located on a single level. The premises have level entry / exit.  
Emergency exit points are suitable from use by disabled persons

**Question 3**

**Facilities available**

Please describe in detail the facilities provided for disabled people. e.g. disabled toilets, lifts, accessible tables.

The premises have a customer toilet with disabled access facilities

Grocery items are displayed at different heights. Where a product is outwith the reach of a disabled customer, shop floor staff are available to provide assistance.

**Question 4**

**Other provisions**

Please provide details of any other provisions made to aid the use of the premises by disabled people. e.g. assistance dogs welcome, large print menus.

Assistance dogs are welcome on the premises to assist their owners  
Disabled Customer parking is available.



**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

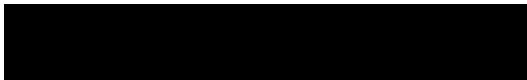
**If signing on behalf of the applicant please state in what capacity.**

The contents of this disabled access and facilities statement are true to the best of my knowledge and belief.

Signature  \* (see note below)  
Date 05/03/2024

Capacity Solicitor ~~APPLICANT~~/AGENT

Telephone number and email address of signatory.....



\* "How we use your information

The information provided by you on this form will be used by Fife Council in order to process your application. It will be shared with Police Scotland and other Council Services and if appropriate NHS Fife and Scottish Fire and Rescue and information will be obtained from Police Scotland and other Council Services and if appropriate NHS Fife and Scottish Fire and Rescue. Further information on how your information is used and why can be found here:

<https://www.fife.gov.uk/kb/docs/articles/privacy-notice/liquor-licence>

The Licensing Board's Data Protection Officer can be contacted on: [dataprotection@fife.gov.uk](mailto:dataprotection@fife.gov.uk)".



**Development and Environmental Services**  
Kilncraigs, Greenside Street, Alloa, FK10 1EB

Harper Macleod  
45 Gordon St  
Glasgow  
G1 3PE

Contact: Margaret McWhinnie  
Direct Tel: 01259 450000  
Email: ehealth@clacks.gov.uk  
Our Ref: MM/CB/24/02798/SR  
Your Ref:  
Date: 19<sup>th</sup> March 2024

FAO: Mr A Hunter

Dear Sir,

**The Food Safety Act 1990**  
**Food Hygiene (Scotland) Regulations 2006**  
**Licensing (Scotland) Act 2005**  
**Premises: Alloa (Clackmannan Road) Service Station, Clackmannan Road,**  
**Alloa, FK10 1RQ**  
**Visit: 14<sup>th</sup> March 2024**


I refer to the application on behalf of your client Motor Fuel Limited for a Food Hygiene Certificate in terms of section 50 of the Licensing (Scotland) Act 2005.

Please find attached a Certificate to confirm that the premises of **Alloa (Clackmannan Road) Service Station, Clackmannan Road, Alloa, FK10 1RQ** comply with the requirements of the Food Hygiene (Scotland) Regulations 2006 which relate to the construction, layout, drainage, ventilation, lighting, water supply and the provision of sanitary and washing facilities. The Certificate does not refer to provisions relating to general hygiene, food safety practices, health and safety practices and procedures.

A copy of this certificate has been passed to the license section of the council. I trust this information is of assistance. Should you wish to discuss this matter please do not hesitate to contact me.

Yours Sincerely,

**MARGARET MCWHINNIE**  
**SENIOR ENVIRONMENTAL HEALTH OFFICER**  
**ENVIRONMENTAL HEALTH**

CC Mr A Hunter, Solicitor/Agent 



**Clackmannanshire  
Council**

**LICENSING (SCOTLAND) ACT 2005**  
**SECTION 50**

**ENVIRONMENTAL HEALTH CERTIFICATE**

On behalf of the Head of Development and Environment Services,  
Clackmannanshire Council,

I hereby certify that the premises subject to an application made by

**Motor Fuel  
Limited**

in relation to grant of a Food Hygiene Certificate

at

**Alloa (Clackmannan Road) Service Station, Clackmannan Road, Alloa, FK10 1RQ**

Are regularly inspected by this department and found to comply with the requirements of  
the

Food Hygiene (Scotland) Regulations 2006

With respect to construction, layout, drainage, ventilation, lighting, water supply, and the  
provision of sanitary and washing facilities.

Date: 14<sup>th</sup> March 2024

Signed: 

**MARGARET MCWHINNIE**  
**SENIOR ENVIRONMENTAL HEALTH OFFICER**





**Clackmannanshire  
Council**

**LICENSING (SCOTLAND) ACT 2005**  
**SECTION 50**

**BUILDING CERTIFICATE**

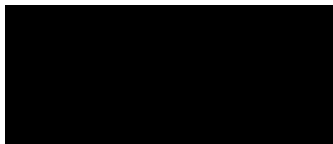
**Morrisons Filling Station  
Clackmannan Road  
Alloa  
FK10 1RQ**

On behalf of the Development Services,  
Clackmannanshire Council,

I hereby certify that a completion certificate under section 18 of the Building (Scotland) Act 2003 in respect of any construction or conversion of the above named premises in connection with their proposed use as licensed premises is not required.

Date: 12<sup>th</sup> March 2024

Signed:



**Mr R Clark**  
**Principal Building Standards Surveyor**

For the Local Authority

**WARNING – This Section 50 Certificate (Building Standards) does not exempt you from obtaining other Section 50 Certificates that may be necessary, such as from the Council's Planning and Environmental Health Teams. Consult the local authority if in doubt.**



**LICENSING (SCOTLAND) ACT 2005**  
**SECTION 50**

**PLANNING CERTIFICATE**

***Alloa (Clackmannan Road) Service Station, Clackmannan Road, Alloa, FK10 1RQ***

On behalf of the Service Manager - Development

Clackmannanshire Council,

I hereby certify that the above named premises referred to in the application dated 8th February 2024, have been granted planning permission under the Town and Country Planning (Scotland) Act 1997, as amended, in respect of any development in connection with their proposed use as licensed premises.

Date: 21<sup>st</sup> March 2024

Signed: Keith Johnstone

**KEITH JOHNSTONE**  
**PRINCIPAL PLANNER**  
**CLACKMANNANSHIRE COUNCIL**



**Partnership and Performance**

Kilncraigs, Greenside Street, Alloa, FK10 1EB

Telephone: 01259 450000

## 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/NPL/REP/CC211**

Your Ref:

Date: **16 September, 2024**

Subject: **Licensing (Scotland) Act, 2005. Section 29  
Application for a Premises Licence  
Motor Fuel Limited  
Alloa Clackmannan Road Service Station  
Clackmannan Road, Alloa FK10 1QY**

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 is an application for a new premises licence.
3. As the Licensing Board will be aware the licensing (Scotland) Act 2005, defines premises that are used as a garage as “excluded premises”. I have included in **Appendix A** the extract from the 2005 Act, of the relevant section 123.
4. I am certain that full legal guidance on the subject of “excluded premises” will be provided by the Clerk to the Licensing Board
5. To assist the Licensing Board, I have taken steps to ascertain whether or not this application relates to premises that are exempt from the definition of “excluded Premises by virtue of Section 123(5), of the 2005 Act.
6. Section 123(5) makes it clear that premises are not “excluded premises” if persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principal source of road fuels or groceries.
7. In my research I concluded that there are 3 parts to the test contained within sub-section 5 that need to be explored.
  - a. What is the extent of the “locality” in which the premises are situated and are there residents in that locality?
  - b. Are any of these persons “reliant to a significant extent” on the premises as a “principal source of road fuels”?

- c. Are any of these persons “reliant to a significant extent” on the premises as a “principal source of groceries”
8. Having considered the area I concluded that a significant part of the town of Alloa could be considered as in the “locality” of the applicant premises and that there are persons resident in that locality. I acknowledge that the final decision on what is in the “locality” is a matter for the Licensing Board to determine.
  9. Should the Board agree with my conclusion on “locality”, then I can confirm that my restricted/limited and unscientific research confirmed that persons resident in the locality were indeed reliant on the garage to a significant extent as the principal source of road fuels.
  10. I was unable to conclude that any person resident in that locality was reliant to any extent on the premises as a “principal” source of groceries. The close proximity of a number of supermarket in the vicinity make this unlikely.
  11. My research consisted of 4 separate relatively short site visits to the premises at different times of the day and on different days of the week. During these visits I interviewed individuals who were drawing fuel. I noted post code information, asked a number of simple questions relating to their grocery shopping habits and regular fuel purchases.
  12. I spoke with a total of 32 people, 10 of which were not resident in the locality, and as such I asked them no further questions
  13. Of the 22 persons who were resident in the locality 19 stated that this was the only garage they had bought fuel from in the last year, and that they were reliant on it as the principal source (if not the only source) of fuel for their car.
  14. Some respondents indicated that they occasionally used one of the other supermarket petrol stations in the town when one was slightly cheaper than this one.
  15. Of the 19, 8 persons stated they had never purchased fuel anywhere else in the last 3 years
  16. The other 11 all said they mostly purchased their fuel from this garage, but had purchased fuel elsewhere.
  17. None of the 32 indicated that they were in anyway reliant on the premises as a “principal” source of groceries, citing the selection of nearby supermarkets as their favoured option.
  18. In conclusion I believe that the premises should not be considered to be “excluded Premises” by virtue of the Licensing (Scotland) Act, 2005, section 123(5).
  19. The only other matter of significance connected to this application is that the answer to Question 5(f) indicated that the garage would offer home delivery of food, groceries and alcohol.
  20. The Clackmannanshire Licensing Board Statement of Licensing Policy 2023-2028 (the Policy) confirms at page 19 that the Board will require all premises seeking to make home deliveries of alcohol to have this specified on their operating plan.

21. The Policy goes on to indicate that home delivery of alcohol should be robustly managed and is likely to attract additional local conditions where the Licensing Board think it is necessary and expedient for the purposes of the licensing objectives.
22. In this case, I would suggest that to support compliance with the licensing objectives contained within the Licensing (Scotland) Act, 2005, that if the Board decide to grant the licence they should apply additional local conditions of the type suggested in the Policy.
23. At **Appendix B** I have drafted proposed conditions for the benefit of the Licensing Board that I believe will adequately address the common concerns that surround the home delivery of alcohol.
24. I would suggest that these proposed conditions are necessary and expedient for the purposes of the licensing objectives.
25. Those concerns are deliveries being made to under age persons, or to persons who are drunk or at serious risk of harm from drinking alcohol, and deliveries being made by untrained individuals, or by couriers that do not have robust age verification measures in place.
26. I have no further concerns about the application.

*Paul Fair*

Licensing Standards Officer.



## **Appendix A – Extract from Section 123 of the Licensing (Scotland) Act, 2005.**

### **123 Excluded premises**

(1) No premises licence or occasional licence has effect to authorise the sale of alcohol on excluded premises.

(2) For the purposes of this Act, “excluded premises” means—

(a) premises on land—

- (i) acquired or appropriated by a special roads authority, and
- (ii) for the time being used, for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class 1 (with or without other classes), and

(b) subject to subsection (5), premises used as a garage or which form part of premises which are so used.

(3) For the purposes of subsection (2)(a)—

(a) “special road” and “special roads authority” have the same meanings as in the Roads (Scotland) Act 1984 (c. 54), and

(b) “class 1” means class 1 in Schedule 3 to that Act, as varied from time to time by an order under section 8 of that Act, but, if that Schedule is amended by such an order so as to add to it a further class of traffic, the order may adapt the reference in this section to traffic of class 1 so as to take account of the additional class.

(4) or the purposes of subsection (2)(b), premises are used as a garage if they are used for one or more of the following—

- (a) the sale by retail of petrol or derv,
- (b) the sale of motor vehicles, or
- (c) the maintenance of motor vehicles.

(5) Despite subsection (2)(b), premises used for the sale by retail of petrol or derv or which form part of premises so used are not excluded premises if persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principal source of—

- (a) petrol or derv, or
- (b) groceries (where the premises are, or are to be, used also for the sale by retail of groceries).

(6) The Scottish Ministers may by order amend the definition of “excluded premises” in subsection (2) so as to include or exclude premises of such description as may be specified in the order.

## Appendix B

### Draft Local |Conditions Home Delivery Of Alcohol

1. A written Age Verification Policy (AVP) must be kept and applied to all sales of alcohol for delivery to any place off the premises. This AVP must set out the steps that are to be taken to establish the age of a person attempting to take delivery of alcohol ("the customer") if it appears to the person making delivery of the alcohol that the customer appears to be less than 25 years of age (or such older age as may be specified in the policy).
2. Information must be provided to customers whether online or in store that Alcohol will only be left at the delivery address with a person who can prove that they are over 18 years of age.
3. Premises Licence holders and Premises Managers must ensure that all persons involved in the delivery of alcohol from the premises have received appropriate training in the content and application of the Age Verification Policy to be applied to all deliveries.
4. A record of all persons trained in relation to the Age Verification Policy will be kept on the premises and made available to the Licensing Standards Officer and any Constable of Police Scotland.
5. A copy of the training record referred to in No 4 above should be supplied to delivery agent on completion of the training
6. Licence holders and Premises Managers will ensure that all persons involved in the delivery of alcohol from the premises have received appropriate training to ensure that deliveries of alcohol are not made to persons who are or appear to be drunk.
7. Licence holders using Royal Mail, a private postal service, a courier service or independent delivery drivers will ensure that an age verified signed for delivery option is utilised that requires any package containing alcohol to be left with an adult over 18 at the specified delivery address and at no other place.
8. The premises licence holder will ensure that records of all alcohol deliveries are retained on the premises and that those record contain the following information, the forename and surname of the purchaser, the delivery address, the quantity and type of alcohol delivered and the purchase price.
9. All records, electronic or written made in relation to the delivery of alcohol will be kept on the premises for at least 12 months and will be made available on demand to a Licensing Standards Officer for the area where the premises are located or to a Constable of Police Scotland.

09/09/2024

Your Ref: N/A

Our Ref: 858263

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



Roddy Irvine  
Chief Superintendent  
Divisional Commander

Forth Valley Division Headquarters  
Randolphfield  
St Ninian's Road  
Stirling  
FK8 2HD

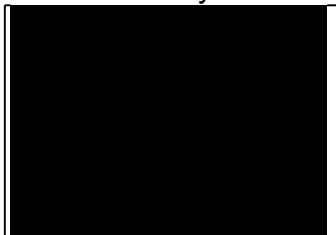
Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A  
PREMISES LICENCE  
ALLOA CLACKMANNAN ROAD SERVICE STATION  
ALLOA CLACKMANNAN ROAD SERVICE STATION, CLACKMANNAN ROAD,  
ALLOA, FK10 1QY.**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

Yours faithfully



Roddy Irvine  
Chief Superintendent  
Divisional Commander

**OFFICIAL: POLICE AND PARTNERS**

For enquiries please contact the Licensing Department on 01786 456026.



Memo

To: **CLERK OF THE LICENSING  
COMMITTEE**

From: **ENVIRONMENTAL HEALTH**

Extension: 2541

E-Mail: ehealth@clacks.gov.uk

Our Ref:

Your Ref: **1/7/10**

Date: 16<sup>th</sup> September 2024

Subject: **LICENSING (SCOTLAND) ACT 2005**  
**PREMISES LICENCE**  
**MOTOR FUEL LIMITED, ALLOA CLACKMANNAN ROAD SERVICE**  
**STATION, CLACKMANNAN ROAD ALLOA**

I refer to the abovementioned application and would respond as follows.

**ENVIRONMENTAL HEALTH**  
**RESPONDING OFFICER:** Maggie McWhinnie

No objection.

I trust this information is of use to you.

**ENVIRONMENTAL HEALTH**

