



**Licensing Board
Licensing (Scotland) Act 2005
MEETING: 14th January 2024 at 09:30hrs**

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

Applicant/ Subject	Type	Comments
Coalsnaughton Burns Club	Premises Licence Review Application	LSO Application attached. The Licensing Board are therefore asked to consider all the information before it and having done so to determine whether to:- <ol style="list-style-type: none">1. Revoke the licence2. Suspend the licence3. Vary the Licence4. Take no further action



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/CC135

Your Ref:

Date: 18 December, 2024

**Subject: Licensing (Scotland) Act, 2005, Section 36.
Premises Licence Review – Unpaid Fees
Coalsnaughton Burns Club, 2 Main Street, Coalsnaughton FK13 6JP**

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 CC135 granted by Clackmannanshire Licensing Board in favour of Coalsnaughton Burns Club.
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 CC135. 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 service copy of the notice will be included with the Board papers, and I can confirm that the notice was properly served personally by myself, by leaving it at the premises.
7. The annual fee £180 was due on 1st October, 2024, the licence holder was sent an invoice for the amount due and the due date in August 2024.
8. A number of reminders have also been sent to the licensed premises.
9. The premises have remained closed for a significant period now, with very little communication from the Premises Licence Holders.

10. In all the circumstances I would suggest to the Licensing Board, that the grounds for review do exist, relating to the failure to comply with the Statutory Notice served.

11. In the event that the Licensing Board agrees with the suggestion in Paragraph 10, and subject to any representation made to the Licensing Board by the Licence holder I would recommend that they revoke premises licence no CC135.

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.

