

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

To:

Clerk to the Licensing Board Clackmannanshire Council Kilncraigs Alloa FK10 1EB THIS PAPER RELATES TO ITEM 4i
ON THE AGENDA

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.

<u>APPLICANT INFORMATION</u>

Question 1

Name, Address, Postcode and Licence Number of Premises.

HAIDER MINI MARKET

2 LOCHIES ROPED

CLARKMANNAN

LICENCE NO: CC 209.

Question 2

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





DETAILS OF VARIATION

Question 3

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

HOME DELIVEY OF FOOD & ALCOHOL.

PARCEL COLLECTION SERVICE

BACKGROWN MUSIC TO THE PLANES ALL TRADING

HOURS.

OPERATING PLAN

Question 4

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



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

	ı variation to an	y of the conditions	to which the	licence is
subject?				
				VERINO

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 Relati During the Application	ng to the change of Premises Mar n Period	nager to Take Effect
		YES/NC
If the Answer to the A Variation is to Take E	bove Question is NO Please Prov ffect.	ide Below the Date the
DECLARATION BY A	APPLICANT OR AGENT ON BEH	ALF OF APPLICANT
If Signing on Behalf	of the Applicant Please State in	What Capacity.
The Contents of This Belief.	Application Are True to the Best o	f my Knowledge and
Signature * (See Note Overleaf)		Date 6/2/2025
Capacity	ENT	APPLICANT/AGENT (Delete as appropriate)
Telephone Number ar	nd Email Address of Signatory	
TEL	1	
TEL Emall:		



* 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	



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?	NO
Will alcohol be sold for consumption solely OFF the Premises?	YES
1(c) Will alcohol be sold for consumption both ON and OFF the Premises?	NO
*Delete as appropriate	

Question 2

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

	ON CONSUMPTION		
DAY	OPENING TIME	TERMINAL HOUR	
	N/A	N/A	
MONDAY			
	N/A	N/A	
TUESDAY			
	N/A	N/A	
WEDNESDAY			
	N/A	N/A	
THURSDAY			
	N/A	N/A	
FRIDAY			
	N/A	N/A	
SATURDAY			
	N/A	N/A	
SUNDAY			

Question 3

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

	OFF CONSUMPTION		
DAY	OPENING TIME	TERMINAL HOUR	
	40.004		
MONDAY	10:00 hrs	22:00 hrs	
	10:00 hrs	22:00 hrs	
TUESDAY			
	10:00 hrs	22:00 hrs	
WEDNESDAY			
	10:00 hrs	22:00 hrs	
THURSDAY			
	10:00 hrs	22:00 hrs	
FRIDAY			
	10:00 hrs	22:00 hrs	
SATURDAY			
	10:00 hrs	22:00 hrs	
SUNDAY			

Question 4

SEASONAL VARIATIONS

Does the Applicant intend to operate according to Seasonal Demand	NO	
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*If YES – provide details

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Question 5 PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1	COL. 2	COL. 3	COL. 4
5(a) Activity	Please Confirm	To Be Provided During Core Licensed	
	YES/NO	Hours Please Confirm	Outwith Core Licensed Hours Please Confirm
		YES/NO	YES/NO
Accommodation	No	No	No
Conference Facilities	No	No	No
Restaurant Facilities	No	No	No
Bar Meals	No	No	No
5(b) Activity	Please Confirm	To Be Provided During Core Licensed	Where Activities Are Also to Be Provided
Social Functions	YES/NO	Hours Please Confirm	Outwith Core Licensed
Including:		YES/NO	Hours Please Confirm YES/NO
Decentions Including	No	No	No
Receptions Including Wedding, Funerals, Birthdays, Retirements Etc.			
	No	No	No
Club of Other Group Meetings etc.			
5(b) Activity	Please Confirm	To Be Provided During Core Licensed	Where Activities Are Also to Be Provided
Entertainment	YES/NO	Hours Please Confirm	Outwith Core Licensed
Including:		YES/NO	Hours Please Confirm YES/NO
	Yes	Yes	Yes
Recorded Music – see 5(g)			
Live Performance – See 5(g)	No	No	No
	No	No	No
Dance Facilities	No	No	No
Theatre			

E 1	No	No	No
Films			
	No	No	No
Gaming			
	No	No	No
Indoor/Outdoor Sports			
	No	No	No
Televised Sport			
5(d) Activity	Please Confirm	To Be Provided	Where Activities Are
		During Core Licensed	
	YES/NO	Hours Please Confirm	
			Hours Please Confirm
		YES/NO	YES/NO
	No	No	No
Outdoor Drinking			
Facilities			
5(e) Activity	Please Confirm	To Be Provided	Where Activities Are
		During Core Licensed	Also to Be Provided
	YES/NO	Hours Please Confirm	
			Hours Please Confirm
		YES/NO	YES/NO
	No	No	No
Adult Entertainment*			

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

Background music will be played all trading hours

^{*} Adult Entertainment means any form of entertainment which(a) involves a person performing an act of an erotic or sexually explicit nature; and
(b) is provided wholly or mainly for the sexual gratification or titillation of the audience

	5((f) A	٩nv	Other	Activ	vitie
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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

Food to Go Home delivery of food and alcohol Parcel collection service	

5(g) Late Night Premises Opening after 1.00am

Where You Have Confirmed That You Are Providing Live or Recorded Music Will The Decibel Level Exceed 85dB	N/A
When Fully Occupied Are There Likely To Be More Customers Standing Than Seated	N/A

Question 6 (On-Sales only)

*Delete As Appropriate

CHILDREN AND YOUNG PERSONS

6(a)	When Alcohol Is Being Sold For Consumption On The Premises Will Children Or Young Persons Be Allowed Entry	YES/NO*
	N/A	

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

N/A			

6(c) Provide Statement Regarding the AGES of children or Young Persons to be Allowed Entry
N/A
6(d) Provide Statement Regarding the TIMES During Which Children and Young Persons will be Allowed Entry
N/A
6(e) Provide Statement Regarding the PARTS of the Premises to Which Children and Young Persons Will Be Allowed Entry
N/A
N/A
Question 7
CAPACITY OF PREMISES
What is the Proposed Capacity of the Premises to Which This Application Relates?
Alcohol display area is 22.33m2

Question 8

PREMISES MANAGER (NOTE Not Required Where Application is For Grant of Provisional Premises Licence)

Personal Details
8(a) Name
Wiqas Ahmad
8(b) Date of Birth
8(c) Contact Address
8(d) Email Address

8(e) Personal Licence

Date of Issue	Name of Licensing Board Issuing	Reference No. Of Personal Licence
18 th May 2017	Clackmannanshire Licensing Board	CC729

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 gordon Emskie^ (See Note Below)				
Date14 th Feb 2025				
CapacityAGENT (Delete as appropriate)				
Telephone Number and Email Address of Signatory				
Tel				
Email:				

* 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

ARTICLE 18 & 19

APPLICATIONS TO WHICH SPECIAL PROCEDURE APPLIES – FULL LICENCE HELD

- 18 (1) An application falls within this article if each of paragraphs (2) to (4) apply in respect of it.
 - (2) The application must relate to premises in respect of which at the time that application is made there is in force a relevant permission granted-
 - (a) before the beginning of the transitional period, or
 - (b) following upon a provisional grant of a licence made before the beginning of that period.
 - (3) The operating plan and layout plan which accompany the application under subparagraphs (i) and (ii) of section 20(2)(b) of the 2005 Act must show that-
 - (a) it is proposed that-
 - (i) the size and capacity of the premises;
 - (ii) the general nature of the premises; and
 - (iii) any entertainment to be provided on the premises,

are to be substantially the same as at the date of the application; and

- (c) alcohol is not to be sold on the premises outside the hours authorised by the relevant permission (whether by virtue of the original grant or by virtue of section
- (d) 57,58, 59, 60 or 64 of the 1976 Act(a)).
- (4) The application must be made by the appropriate date, determined in accordance with article 20.

APPLICATIONS TO WHICH SPECIAL PROCEDURE APPLIES- PROVISIONAL LICENCE HELD

- 19 (1) An application falls within this article if each of paragraphs (2) to (4) apply in respect of it.
 - (2) The application must relate to premises in respect of which at the time the application is made there is in effect a licence under Part 11 of the 1976 Act-
 - (a) which was provisionally granted prior to the beginning of the transitional period; and
 - (b) the provisional grant of which has not yet been declared final.
 - (3) The operating plan and layout plan which accompany the application under sub- paragraphs (i) and (ii) of section 20(2)(b) of the 2005 Act must show that-
 - (a) it is proposed that-
 - (i) the size and capacity of the premises;
 - (ii) the general nature of the premises; and
 - (iii) any entertainment to be provided on the premises,
 - are to be substantially the same as was proposed in the application which led to the provisional grant under the 1976 Act; and
 - (b) alcohol is not to be sold on the premises outside the hours authorised by the licence provisionally granted under the 1976 Act.
 - (4) The application must be made by the appropriate date, determined in accordance with article 20.

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 2AD

From: **Paul Fair**

Licensing Standards Officer

Extension: 2091

Email: pfair@clacks.gov.uk

Our Ref: PF/LSO/NPL/REP/CC209

Your Ref:

Date: **8 April, 2025**

Subject: Licensing (Scotland) Act, 2005. Section 29

Non Minor Variation – Addition of Home Delivery of Alcohol

Haider Mini Market

2 Lochies Road, Clackmannan.

- 1. Having considered the content of the application to vary the premises licence, 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 non minor variation.
- 3. The variation seeks to add home delivery of groceries, including alcohol to the operating plan.
- 4. I have no concerns about the home delivery of alcohol, and the Boards views on the matter are recorded in their own Statement of Licensing Policy.
- 5. The proposed operating plan is amended to show at Question 5(f) indicated that the premises would offer home delivery of food and alcohol.
- 6. 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.
- 7. 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.
- 8. 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.
- 9. At **Appendix A** 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.

- 10. I would suggest that these proposed conditions are necessary and expedient for the purposes of the licensing objectives.
- 11. 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.
- 12. I have no further concerns about the application.

Paul Fair

Licensing Standards Officer.

Appendix A

Draft Local | Conditions Home Delivery Of Alcohol

These conditions may only be applied by the licensing Board once they confirm that it is necessary and expedient or the purposes of the licensing objectives.

- 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.

09/04/2025

Your Ref: 95

Our Ref: 17355



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 VARIATION OF A PREMISES LICENCE
HAIDER MINI MARKET (A & T FOODSTORES)
2 LOCHIES ROAD, CLACKMANNAN, CLACKMANNANSHIRE, FK10 4EL.
PREMISES LICENCE HOLDER: ARSHAD MAHMOOD,

I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of adding the following activities to the licence:

- Home delivery of food and alcohol
- Parcel collection service
- Background music to be played all trading hours

In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

OFFICIAL SENSITIVE: POLICE AND PARTNERS

Yours faithfully



Roddy Irvine
Chief Superintendent
Divisional Commander