

CLACKMANNANSHIRE LICENSING BOARD

MINUTE OF MEETING of the **CLACKMANNANSHIRE LICENSING BOARD** held within the **Council Chamber, Patons Building, Greenside Street, Alloa, FK10 1EB, on TUESDAY 20 JANUARY at 10.00 am.**

PRESENT

Councillor Walter McAdam, MBE, Convenor (In the Chair)
Councillor Donald Balsillie
Councillor Kenneth Earle
Councillor Irene Hamilton
Councillor George Matchett, QPM
Councillor Graham Watt

IN ATTENDANCE

Mark Easton, Solicitor, Depute Clerk to the Board
June Andison, Licensing Administrator
Gillian White, Business Support to the Board

1.0 APOLOGIES

Apologies for absence were received from Councillor Les Sharp.

2.0 DECLARATIONS OF INTEREST

Councillor George Matchett, QPM, declared a continued non-financial interest in relation to agenda items 6(v) and 6 (vi) - Hearing to consider and determine a Premises Licence Review Proposal in respect of the premises licence for Braehead Golf Club and an application for an Occasional Licence. Councillor Matchett intimated that as a member of Braehead Golf Club, he would take no part in the consideration and determination of both the Premises Licence Review and the Occasional Licence application.

3.0 MINUTES OF MEETING HELD ON 11 DECEMBER 2014

The minutes of the meeting of the Licensing Board held on Tuesday 11 December 2014 were submitted for approval.

Moved by Councillor Kenneth Earle. Seconded by Councillor Irene Hamilton.

The minutes of the meeting of the Licensing Board held on Tuesday 11 December 2014 were agreed as a correct record and signed by the Convenor.

Agenda items 4(i), 4(ii) and 4(iii) were considered together as one item.

4.0 LICENSING (SCOTLAND) ACT 2005

(i) Application for Personal Licence - Granted Under Delegated Powers

A list of personal licence applications (numbered 1-7) which had been granted under delegated powers was put before the Board for information only.

Moved by Councillor Kenneth Earle. Seconded by Councillor Irene Hamilton.

The Board agreed to note that the Personal Licence Applications (numbered 1-7) had been granted under delegated powers.

(ii) Applications for Transfer of Licence - Granted Under Delegated Powers

Premises: Bridge Street Kitchen (Vanilla Pod), 24 Bridge Street, Dollar, FK14 7DE

An application for transfer of licence which had attracted no objections or representations and was granted under delegated powers was put before the Board for information only.

Moved by Councillor Kenneth Earle. Seconded by Councillor Irene Hamilton.

The Board agreed to note that the application for a transfer of licence which had attracted no objections or representations had been granted under delegated powers.

Premises: Toors Convenience Limited t/a Spar (Muirside Stores Limited), 2 Finglen Crescent, Tullibody, FK10 3GP

An application for transfer of licence which had attracted no objections or representations and was granted under delegated powers was put before the Board for information only.

Moved by Councillor Kenneth Earle. Seconded by Councillor Irene Hamilton.

The Board agreed to note that the application for a transfer of licence which had attracted no objections or representations had been granted under delegated powers.

(iii) Applications for Variation of Licence (Minor) - Granted Under Delegated Powers

Premises: Bridge Street Kitchen (Vanilla Pod), 24 Bridge Street, Dollar, FK14 7DE

An application for the variation of a licence (minor) which had been granted under delegated powers was put before the Board for information only.

Moved by Councillor Kenneth Earle. Seconded by Councillor Irene Hamilton.

The Board agreed to note that the application for the variation of a licence (minor) had been granted under delegated powers.

Premises: Harviestoun Brewery, Alva Industrial Estate, Alva, FK12 5DQ

An application for the variation of a licence (minor) which had been granted under delegated powers was put before the Board for information only.

Moved by Councillor Kenneth Earle. Seconded by Councillor Irene Hamilton.

The Board agreed to note that the application for the variation of a licence (minor) had been granted under delegated powers.

Premises: Toors Convenience Limited t/a Spar (Muirside Stores Limited), 2 Finglen Crescent, Tullibody, FK10 3GP

An application for the variation of a licence (minor) which had been granted under delegated powers was put before the Board for information only.

Moved by Councillor Kenneth Earle. Seconded by Councillor Irene Hamilton.

The Board agreed to note that the application for the variation of a licence (minor) had been granted under delegated powers.

Premises: Klub 21, 21 Mill Street, Alloa, FK10 1DT

An application for the variation of a licence (minor) which had been granted under delegated powers was put before the Board for information only.

Moved by Councillor Kenneth Earle. Seconded by Councillor Irene Hamilton.

The Board agreed to note that the application for the variation of a licence (minor) had been granted under delegated powers.

5.0 REVOCATION OF PERSONAL LICENCES

The Licensing (Scotland) Act 2005 prescribes that all personal licence holders must undergo mandatory training in a form prescribed by the Scottish Ministers no later than three months following the period beginning five years from the date that the personal licence was issued. Personal licences that were issued between 1 October and 31 October 2014 granted a licence from this date had until 31 December 2014 to complete the mandatory refresher training, failing which the Board must revoke the licence.

Motion

The the Board makes a formal decision to revoke the personal licences set out in the table appended to the report in terms of Section 87(3) of the Licensing (Scotland) Act 2005.

Moved by Councillor George Matchett, QPM. Seconded by Councillor Kenneth Earle.

Decision

The Board agreed unanimously revoke the personal licences set out in the table below in terms of Section 87(3) of the Licensing (Scotland Act 2005:

Personal Licences Issued October 2009					
Name	Licence No.	Name	Licence No.	Name	Licence No.
Dean Charles Stainforth	CC332	Gemma Thomson	CC330	George Allan Shepherd	CC337
Stewart MacFarlane	CC334	Fiona Lawrence Bennet	CC313	Gemma Smith	CC310
George MacFarlane	CC322	Hugh Francis Murphy	CC299	Kirsty Nimmo	CC318
Lesley Oswald	CC295	Louise Baxter	CC320	Michael Lidbetter	CC326
Ronnie Harrison	CC289	Rosalyn Agnus Hume	CC317	Sharon Cousin	CC323

Action

Depute Clerk to the Board

6.0 LICENSING (SCOTLAND) ACT 2005 - APPLICATIONS FOR VARIATION OF LICENCE (NON MINOR)

(i) Application for Variation of Licence (Non Minor) - No Representations/ Objections received

Premises: The Bottle Shop, 96 Stirling Street, Alva, FK12 5EH

Applicant: Angela Polley, 109 Caroline Crescent, Alva

An application for a variation of licence (non minor) which had attracted no representations or objections was put before the Board for determination.

Attending

Mrs Angela Polley, Applicant

Motion

Having considered all of the information presented to it and having had the opportunity to put questions to the applicant, that the Board grants the application.

Moved by Councillor Kenneth Earle. Seconded by Councillor George Matchett, QPM.

Decision

Having considered all of the information presented to it and having had opportunity to put questions to the applicant, the Board agreed unanimously to grant the application.

Action

Depute Clerk to the Board

(ii) Application for Variation of Licence (Non Minor) - No Representations/ Objections received

Premises: Ellie's Cellar, 25 Bridge Street, Dollar, FK14 7DE

Applicant: Angela Polley, 109 Caroline Crescent, Alva

An application for a variation of licence (non minor) which had attracted no representations or objections was put before the Board for determination.

Attending

Mr Gordon Polley, Applicant

Motion

Having considered all of the information presented to it and having had the opportunity to put questions to the applicant, that the Board grants the application.

Moved by Councillor Kenneth Earle. Seconded by Councillor Irene Hamilton.

Decision

Having considered all of the information presented to it and having had opportunity to put questions to the applicant, the Board agreed unanimously to grant the application.

Action

Depute Clerk to the Board

(iii) Application for Variation of Licence (Non Minor) - Representation received

Premises: Alloa East End Bowling Club, Whins Road, Alloa, FK10 3RD

Applicant: Alloa East End Bowling Club, Whins Road, Alloa, FK10 3RD

An application for a variation of licence (non minor) which had attracted a was put before the Board for determination.

Attending

Mr Colin Blake, Secretary - Alloa East End Bowling Club
Mr Gordon Weir, Treasurer - Alloa East End Bowling Club
Mr Paul Fair, Licensing Standards Officer

Motion

Having considered all of the information presented to it and having had the opportunity to put questions to the applicant and the Licensing Standards Officer, the that the Board:

- a. Grants the seasonal variation commencement hour of 10.00 am on Saturday and Sunday when home bowling match is played between 1st April to 30th September;
- b. Grants the variation of terminal hour for Children and Young Persons for family orientated, social and community events until 12.30 am, subject to the conditions set out in Section 5.6 of the Statement of Licensing Policy 2013/2016, namely:
 - a. All electrical sockets will be made safe and covered;
 - b. High Chair facilities are to be made available;
 - c. Facilities for heating food are to be made available;
 - d. Drinking containers suitable for children will be made available;
 - e. Changing mat and nappy disposal bin for younger children to be made available;and
- c. Refuses to grant the variation of terminal hour for 12-17 year olds when the Pool League is playing until 23.30 pm

Moved by Councillor George Matchett QPM. Seconded by Councillor Kenneth Earle.

Decision

Having considered all of the information presented to it and having had opportunity to put questions to the applicant and the Licensing Standards Officer, the Board agreed to:

- a. Grant the seasonal variation commencement hour of 10.00 am on Saturday and Sunday when home bowling match is played between 1st April to 30th September;
- b. Grant the variation of terminal hour for Children and Young Persons for family orientated, social and community events until 12.30 am subject to the conditions set out in Section 5.6 of the Statement of Licensing Policy 2013/2016, namely:
 - a. All electrical sockets will be made safe and covered;
 - b. High Chair facilities are to be made available;
 - c. Facilities for heating food are to be made available;
 - d. Drinking containers suitable for children will be made available;
 - e. Changing mat and nappy disposal bin for younger children to be made available;and
- c. Refuse to grant the variation of terminal hour for 12-17 year olds when the Pool League is playing until 23.30 pm

Action

Depute Clerk to the Board

(iv) Grant of On and Off Sales Premises Licence

An application for a grant of an on and off sales premises licence which had attracted representations and a notification was put before the Board for determination.

Premises: Turnpike Tavern, 22 Cobden Street, Alva, FK12 5AA

Applicant: Mr James Brennan, 20 Blairdennon Drive, Sauchie

Attending

Mr Callum Morrison, Designated Premises Manager, Turnpike Tavern

Mr James Brennan, Proposed Transferee

Mr Paul Fair, Licensing Standards Officer

Mr Brennan also provided copies of plans showing the proximity of the premises to other nearby homes and businesses and also submitted letters of support from neighbours.

Motion

Having considered all of the information presented to it and having had the opportunity to put questions to the applicant and to the Licensing Standards Officer, that the Board grant the application for an on and off sales licence to the Turnpike Tavern.

Moved by Councillor George Matchett QPM Seconded by Councillor Donald Balsillie.

Decision

Having considered all of the information presented to it and having had the opportunity to put questions to the applicant and to the Licensing Standards Officer, the Board agreed unanimously to grant the application for an on and off sales licence to the Turnpike Tavern.

Action

Depute Clerk to the Board

The Convenor advised that he would take Item 7(i) as the next item of business with Items 6(i) and (ii) to follow as Councillor Matchett had declared an interest in Items 6(i) and (ii) and would withdraw from the Chamber at that time.

7.0 AOCB

7.1 REVOCATION OF PERSONAL LICENCES - REQUESTS FOR RECONSIDERATION

The Licensing (Scotland) Act 2005 by Section 87(1) prescribes that all personal licence holders must produce to the Licensing Board, no later than 3 months after the expiry of (a) the 5 year period beginning with the date on which the licence holder's licence was issued and (b) each subsequent period of five years during which the licence has effect, evidence that the required training has been undertaken. Section 87(3) states that if a personal licence holder fails to comply with subsection (1) the Licensing Board which issued the personal licence held by the licence holder "must revoke the licence."

At its meeting on 11 December 2014, the Board revoked a number of licences as detailed in a report by the Depute Clerk. The Licensing Service subsequently wrote to these licence holders advising them of the revocation of their personal licence. The Licensing Section has received representations from several of these licence holders requesting that the revocation be reconsidered.

Motion

That the Board exercise its powers under the section 135(1) and (2) of the 2005 Act and relieve the failure to comply by accepting the late production of the evidence required by section 87(1) from each of the undernoted:

CC129 - Sandra Ford
CC113 - Tracy Brown
CC136 - Alison MacLeod
CC283 - Janet Baird
CC141 - David Sharp

Moved by Councillor George Matchett QPM. Seconded by Kenneth Earle.

Decision

The Board unanimously agreed to exercise its powers under the section 135(1) and (2) of the 2005 Act and relieve the failure to comply by accepting the late production of the evidence required by section 87(1) from each of the undernoted:

CC129 - Sandra Ford
CC113 - Tracy Brown
CC136 - Alison MacLeod
CC283 - Janet Baird
CC141 - David Sharp

Action

Depute Clerk to the Board

Having earlier declared a non-financial interest in the following items of business, Councillor George Matchett, QPM, withdrew from the meeting at this point in the proceedings and took no part in the consideration and determination of the Premises Licence Review application for the premises known as Braehead Golf Club, Alloa Road, Cambus FK10 2NT or the Occasional Licence Application.

6(i) PREMISES LICENCE REVIEW APPLICATION

Hearing to consider a Premises Licence Review Application in respect of the Premises Licence for the premises known as Braehead Golf Club, Alloa Road, Cambus, FK10 2NT.

Attending

Mr Robert Smith, Solicitor, Caesar and Howie (representing Braehead Golf Club)
Mr Robert Ferguson, Secretary (Past), Braehead Golf Club
Mr Tom Green, Secretary (Present), Braehead Golf Club
Mr Paul Fair, Licensing Standards Officer

A premises licence review application in terms of Section 38 of the Licensing (Scotland) Act 2005 in respect of the premises licence for the premises known as Braehead Golf Club, Alloa Road, Cambus, FK10 2NT, was put before the Board. Review of the above licence was sought on grounds relevant to one or more of the licensing objectives, namely, preventing crime and disorder.

The Depute Clerk advised the Board that the subject matter within the review application had previously been considered by the Board. The Board had issued a written warning varying the licence to impose a condition requiring the Licence Holder to submit a management plan. The current review proposal was before the Board as a result of the statutory requirement to hold a hearing on the conviction of the Licence Holder of a criminal offence. Given that the Chief Constable's letter confirmed the existence of the conviction relating to circumstances that the Board were fully aware of and had sanctioned the licence holder previously on, the Depute Clerk advised that it would be disproportionate to take any further action against the licence holder, and therefore the current review application should be dismissed.

Motion

Having considered all of the information provided and representations made, that the Board dismiss the review application on the grounds that action has already been taken against the Licence holder in a previous review hearing, and that in doing so again, such course of action would be disproportionate.

Moved by Councillor Kenneth Earle. Seconded by Councillor Graham Watt.

Decision

Having considered all of the information provided and representations made, the Board dismissed the review application on the grounds that action has already been taken against the Licence holder in a previous review hearing, and that in doing so again, such course of action would be disproportionate.

Action

Depute Clerk to the Board

6(ii) OCCASIONAL LICENCE APPLICATION

Occasional Licence Application - Morrison's Award Night, Braehead Golf Club, Alloa Applicant - Braehead Golf Club, Alloa - 24 January 2015

An application for an Occasional Licence to hold an Awards Night which was received outwith 21 day period prior to the event was put before the Board for determination.

The Licensing Standards Officer advised that the personal licence holder named in the application (Anne Anderson Ross) had her licence revoked in December 2014. The Depute Clerk advised that this would not be an issue to prevent the Board granting the licence, however the Depute Clerk would check and advise the applicant should the non availability of a personal licence holder be an issue for the applicant.

Motion

That the Board grants the application for an Occasional Licence.

Moved by Councillor Graham Watt. Seconded by Councillor Irene Hamilton.

Decision

The Board agreed unanimously to grants the application for an Occasional Licence.

Action

Depute Clerk to the Board

Ends 1120 hrs