

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 3 MARCH at 10.00 am.

PRESENT

Councillor Walter McAdam, MBE, Convenor (In the Chair)
Councillor Donald Balsillie
Councillor Irene Hamilton
Councillor Craig Holden
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 and Councillor Kenneth Earle.

2.0 DECLARATIONS OF INTEREST

Councillor George Matchett, QPM, declared a continued non-financial interest in relation to agenda Item 6 - Revocation of Personal Licence - Request for Reconsideration. Councillor Matchett intimated that as a member of Braehead Golf Club, he would take no part in the consideration and determination of the request for reconsideration of revocation of a personal licence.

The Convenor agreed to take Item 6 as the last item of business to allow Councillor Matchett QPM to withdraw from the Chamber prior to that item of business.

3.0 MINUTES OF MEETING HELD ON 20 JANUARY 2015

The minutes of the meeting of the Licensing Board held on Tuesday 20 January 2015 were submitted for approval.

Moved by Councillor George Matchett QPM. Seconded by Councillor Irene Hamilton.

The minutes of the meeting of the Licensing Board held on Tuesday 20 January 2015 were agreed as a correct record and signed by the Convenor.

Agenda items 4(i) and (ii) 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 1-5) which had been granted under delegated powers was put before the Board for information only.

Moved by Councillor George Matchett QPM. Seconded by Councillor Irene Hamilton.

The Board agreed to note that the Personal Licence Applications (numbered 1-5) had been granted under delegated powers.

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

Premises: Menteith Court Mini Market, Menteith Court, Alloa, FK10 1QA

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 George Matchett QPM. 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: MC News Limited, 1-2 Shillinghill, Alloa, FK10 1JT

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 George Matchett QPM. 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: Red Lion, 146 High Street, Tillicoultry, FK13 6DU

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 George Matchett QPM. 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: Bridge Inn, 1 High Street, Tillicoultry, FK13 6AA

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 George Matchett QPM. 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: Bobbing John, 46 Drysdale Street, Alloa, FK10 1JL

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 George Matchett QPM. 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: Volunteer Arms, 130 High Street, Tillicoultry

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 George Matchett QPM. 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 Depute Clerk presented a report in respect of Personal Licence Holders that had not notified the Board of completion of the prescribed training. 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 November and 30 November 2014 granted a licence from this date had until 28 February 2015 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 Craig Holden.

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 November 2009					
Name	Licence No.	Name	Licence No.	Name	Licence No.
Alison Anne Fry	CC339	Angela Richards	CC327	Callum Alexander Page	CC289
Carrie Ann Johnstone	CC306	George Knight	CC248	Imram Ghafoor	CC216
James Chalmers	CC344	Laura Martin Turner	CC307	Mohammed Imran	CC351
Olivia Blake	CC340	Perveen Asjad	CC259	Stefan Cichosz	CC182
Steven James Gibson	CC293	Suzanne Helen McKinsley	CC304		

Action

Depute Clerk to the Board

The Convenor had previously agreed to take Item 6 as the last item of business to allow Councillor Matchett QPM to withdraw from the Chamber prior to that item of business.

7.0 LICENSING (SCOTLAND) ACT 2005

(i) Application for Grant of Provisional Off Sales Premises Licence

Premises: Nisa Local, 1 Mill Road, Alloa, FK10 1JY

Applicant: Eros Retail Limited, 82 Dollar Crescent, Kirkcaldy, Fife, KY2 6NX

An application for the grant of a provisional off sales premises licence which had attracted no representations or objections was put before the Board for determination.

Attending

Mr Nigel Ford, Solicitor representing Eros Retail Limited

Motion

Having considered all of the information presented to it and having had the opportunity to put questions to the applicant's representative, that the Board grants the application for a provisional off sales premises licence.

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

Decision

Having considered all of the information presented to it and having had opportunity to put questions to the applicant's representative, the Board agreed unanimously to grant the application for a provisional off sales premises licence.

Action

Depute Clerk to the Board

(ii) OCCASIONAL LICENCE APPLICATION

Occasional Licence Application:

Alloa Town Hall, Marshall, Alloa - Tribute Band Night, 18 April 2015

Applicant:

Craig Stewart, Oakwood Lounge, Fairfield Road, Sauchie

An application for an Occasional Licence which had attracted comment from the Licensing Standards Officer was put before the Board for determination.

Attending

Paul Fair, Licensing Standards Officer

The Board heard representation from the Licensing Standards Officer and had opportunity to put questions to him.

Motion

That the Board grants the application for an Occasional Licence subject to the conditions set out in the Licensing Standards Officer's report.

Moved by Councillor George Matchett QPM. Seconded by Councillor Irene Hamilton.

Decision

The Board unanimously granted the application for an Occasional Licence subject to the conditions set out in the Licensing Standards Officer's report, namely:

- All drinks to be served in plastic bottles and glasses;
- Sufficient SIA Licence Stewards;
- Qualified first aider present throughout the event;
- Personal licence holder on premises for duration of event;
- Only trained staff permitted to make sales of alcohol; and
- All musical performance of live or recorded music must end at least 15 minutes prior to the terminal hour.

Action

Depute Clerk to the Board

(iii) OCCASIONAL LICENCE APPLICATION

Occasional Licence Application:

Alloa Town Hall, Marshall, Alloa - Alloa Masters Darts Competition - 25 April 2015

Applicant:

Craig Stewart, Oakwood Lounge, Fairfield Road, Sauchie

An application for an Occasional Licence which had attracted comment from the Licensing Standards Officer was put before the Board for determination.

Attending

Paul Fair, Licensing Standards Officer

The Board heard representation from the Licensing Standards Officer and had opportunity to put questions to him.

Motion

That the Board refuses the application for an Occasional Licence on the grounds that it does not comply with the protecting children from harm licensing objective.

Moved by Councillor George Matchett QPM. Seconded by Councillor Craig Holden.

Decision

The Board unanimously agreed to refuse the application for an Occasional Licence on the grounds that it does not comply with the protecting children from harm licensing objective.

Action

Depute Clerk to the Board

(iv) PROCEDURAL HEARING, PREMISES LICENCE REVIEW APPLICATION

The Depute Clerk of the Board had received an application for a premises licence review of the premises licence held by Weirs Social and Recreational Club, Church Street, Alloa. The Depute Clerk presented a report on the application to Board members for consideration.

Motion

Having considered the content of the premises licence review application, the Board determine that the application discloses no grounds for review in terms of the 2005 Act, and accordingly should be rejected.

Moved by Councillor George Matchett QPM. Seconded by Councillor Craig Holden.

Decision

Having considered the content of the premises licence review application, the Board determined that the application discloses no grounds for review in terms of the 2005 Act, and accordingly should be rejected.

Action

Depute Clerk to the Board

On behalf of the Licensing Board, Councillor George Matchett QPM wished the Depute Clerk to the Board, Mark Easton, all the best in his new job with Perth and Kinross Council. Councillor Matchett thanked him for his guidance and support over his time with the Board, and asked that this appreciation be recorded in the minute.

Having earlier declared a non-financial interest in the following item 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 Revocation of Personal Licence - Request for Reconsideration.

6.0 REVOCATION OF PERSONAL LICENCE - REQUEST 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."

The Licensing Board thereafter considered a further report on the subject matter by the Depute Clerk at its meeting on 20 January 2015. The decision of the board was to allow the reinstatement of revoked personal licences where the licence holder could demonstrate compliance with the terms of section 135 of the 2005 Act.

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 Mrs Anne Ross.

Moved by Councillor Graham Watt. Seconded by Councillor Craig Holden.

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 Mrs Anne Ross.

Action

Depute Clerk to the Board

Ends 1120 hrs

