

## **CLACKMANNANSHIRE LICENSING BOARD**

**MINUTE OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held within the Council Chamber, Patons Building, Kilncraigs, Alloa, FK10 1EB, on TUESDAY 15 September 2015 at 10.00 am.**

### **PRESENT**

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

### **IN ATTENDANCE**

Stuart McQueen, Solicitor, Depute Clerk to the Licensing Board  
June Andison, Licensing Administrator

### **1.0 APOLOGIES**

Apologies for absence were received from Councillor Craig Holden, Councillor Les Sharp and Councillor Donald Balsillie.

### **2.0 DECLARATIONS OF INTEREST**

None.

### **3.0 MINUTES OF MEETING HELD ON 7 JULY 2015**

The minutes of the meeting of the Licensing Board held on Tuesday 7 July 2015 were submitted for approval.

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

The minutes of the meeting of the Licensing Board held on Tuesday 7 July 2015 were agreed as a correct record and were signed by the Convenor.

### **4.0 LICENSING (SCOTLAND) ACT 2005**

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

#### **(i) Applications for Personal Licences - Granted Under Delegated Powers**

A list of personal licence applications (numbered 1-12 inclusive) 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 Personal Licence Applications numbered 1-12 (inclusive) had been granted under delegated powers.

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

A list of applications for a Variation of 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 applications for Variation of Licence (Minor) had been granted under delegated powers.

**(iii) Application for Transfer of Premises Licence - Granted Under Delegated Powers**

An application for a Transfer of Premises Licence 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 Transfer of Premises Licence had been granted under delegated powers.

**5.0 LICENSING (SCOTLAND) ACT 2005**

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

**Premises :** One Stop, 131 Stirling Street, Alva, FK12 5EF

**Applicant :** Bleakley Universal Limited, c/o Young and Partners, 1 George Square, Castle Brae, Dunfermline, KY11 8QF

An application for the grant of a Provisional Off Sales Premises Licence, which had attracted four objections was put before the board.

**Attending**

Ms Janet Hood, Solicitor for the Applicant (the applicant had been unable to attend due to a Doctor's appointment)

Mr John J Lamond, Objector (Mr Lamond also spoke on behalf of Mrs Vivien MacLeod, Objector. Mr Lamond had written permission from Mrs MacLeod which was presented to the Clerk)

Mr Fred Saunders, Objector

The Board adjourned at 1035 hours. The meeting resumed at 1042 hours. Five (5) members remained present.

**Motion**

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

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's representative and the objectors, the Board unanimously granted the application for the grant of a provisional off sales premises licence.

## **Action**

Depute Clerk to the Board

## **6.0 LICENSING (SCOTLAND) ACT 2005**

### **(i) Occasional Licence Application**

**Applicant:** Mr Vincent Coyle, [REDACTED].  
**Venue:** Sauchie Hall, Mar Place, Sauchie  
**Event:** Live Band Night - 19 September 2015

## **Attending**

Mr Paul Fair, Licensing Standards Officer

The applicant was not in attendance.

## **Motion**

Having considered all of the information presented to it and having had opportunity to put questions to the Licensing Standards Officer, that the Board grants the application for an Occasional Licence subject to the conditions set out in Appendix A of the Licensing Standards Officer's report dated 4 August 2015.

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 Licensing Standards Officer, the Board unanimously agreed to grant the application subject to the conditions set out in Appendix A of the Licensing Standards Officer's report dated 4 August 2015, namely:

- All alcohol must be sold and supplied to the customer in, or decanted into, plastic of polycarbonate bottles and drinking vessels.
- Only alcohol sold at the event by the licence holder can be consumed at the event.
- A sufficient number of SIA licensed stewards must be on duty to control entry to the premises, to monitor any area immediately outside the premises used by persons attending the event who have temporarily left to smoke, and to monitor and supervise the behaviour of persons within the venue, including a specific responsibility to make regular checks of the toilets and to monitor the upper balcony area in relation to the safety and wellbeing of children and young persons attending the event.
- At least one person who holds a suitable first aid qualification must be on duty at the event.
- At least one Personal Licence Holder must be on the premises for the duration of the event and be responsible for authorising all sales of alcohol.

- Only staff trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations 2007 are permitted to make sales of alcohol and all staff authorised to serve and sell alcohol will have with them a training certificate in the prescribed form.
- Any music or other entertainment must cease at no later than 15 minutes prior to the end of licensed hours.
- No glass or other forms of waste likely to produce excessive noise will be disposed of in the external bins at the premises after 9.00 pm and before 10.00 am the following morning. (The Licence Holder may need to make special arrangements with Clackmannanshire Council to facilitate this).

## **Action**

Depute Clerk to the Board

## **(ii) Occasional Licence Application**

**Applicant:** Mr Douglas Buck, [REDACTED]  
**Venue:** Lodge St Servanus No 771 Social Club, Ochil Road, Alva, FK12 5JP  
**Event:** Live Band Night - 26 September 2015

## **Attending**

Mr Paul Fair, Licensing Standards Officer  
 Mr Douglas Buck, Secretary, Lodge St Servanus

## **Motion**

Having considered all of the information presented to it and having had opportunity to put questions to the Licensing Standards Officer and the applicant, That the Board grants the application for an Occasional Licence subject to the conditions set out in Appendix A of the Licensing Standards Officer's report dated 3 August 2015.

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

## **Decision**

Having considered all of the information presented to it and having had opportunity to put questions to the Licensing Standards Officer and the applicant, the Board unanimously agreed to grant the application subject to the conditions set out in Appendix A of the Licensing Standards Officer's report dated 3 August 2015, namely:

- Only alcohol sold at the event by the licence holder can be consumed at the event.
- A sufficient number of SIA licensed stewards must be on duty to control entry to the premises, to monitor any area immediately outside the premises used by persons attending the event who have temporarily left to smoke, and to monitor and supervise the behaviour of persons within the venue, including a specific responsibility to make regular checks of the toilets.
- At least one person who holds a suitable first aid qualification must be on duty at the event.
- At least one Personal Licence Holder must be on the premises for the duration of the event and be responsible for authorising all sales of alcohol.

- Only staff trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations 2007 are permitted to make sales of alcohol and all staff authorised to serve and sell alcohol will have with them a training certificate in the prescribed form.
- Any music or other entertainment must cease at no later than 15 minutes prior to the end of licensed hours.
- No alcohol sold at the event is to be taken off the premises.
- No glass or other forms of waste likely to produce excessive noise will be disposed of in the external bins at the premises after 9.00 pm and before 10.00 am the following morning. (The Licence Holder may need to make special arrangements with Clackmannanshire Council to facilitate this).

## **Action**

Depute Clerk to the Board

### **(iii) Occasional Licence Application**

**Applicant:** Mr Vincent Coyle, [REDACTED].  
**Venue:** Alloa Town Hall, Marshall, Alloa  
**Event:** Live Band Night - 20 February 2016

## **Attending**

Mr Paul Fair, Licensing Standards Officer

The applicant was not in attendance.

## **Motion**

Having considered all of the information presented to it and having had opportunity to put questions to the Licensing Standards Officer, that the Board grants the application for an Occasional Licence subject to the conditions set out in Appendix A of the Licensing Standards Officer's report dated 3 August 2015.

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 Licensing Standards Officer, the Board unanimously agreed to grant the application subject to the conditions set out in Appendix A of the Licensing Standards Officer's report dated 3 August 2015, namely:

- All alcohol must be sold and supplied to the customer in, or decanted into, plastic of polycarbonate bottles and drinking vessels.
- Only alcohol sold at the event by the licence holder can be consumed at the event.
- A sufficient number of SIA licensed stewards must be on duty to control entry to the premises, to monitor any area immediately outside the premises used by persons attending the event who have temporarily left to smoke, and to monitor and supervise the behaviour of persons within the venue, including a specific responsibility to make regular checks of the toilets and to monitor the upper balcony area in relation to the safety and wellbeing of children and young persons attending the event.

- At least one person who holds a suitable first aid qualification must be on duty at the event.
- At least one Personal Licence Holder must be on the premises for the duration of the event and be responsible for authorising all sales of alcohol.
- Only staff trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations 2007 are permitted to make sales of alcohol and all staff authorised to serve and sell alcohol will have with them a training certificate in the prescribed form.
- No alcohol is to be taken into or consumed within the changing rooms, balcony, foyer, stairwells, upper landings or toilets.
- Any music or other entertainment must cease at no later than 15 minutes prior to the end of licensed hours.
- No glass or other forms of waste likely to produce excessive noise will be disposed of in the external bins at the premises after 9.00 pm and before 10.00 am the following morning. (The Licence Holder may need to make special arrangements with Clackmannanshire Council to facilitate this).
- All persons who have satisfied the terms of the "Challenge 25" age verification process mentioned by the applicant in his application will be fitted securely with a tamper proof wrist band. Alcohol will not be sold to any persons not wearing such a wrist band.

### **Action**

Depute Clerk to the Board

## **7.0 AIR WEAPONS AND LICENSING (SC) ACT 2015 BRIEFING**

The report, submitted by the Depute Clerk of the Licensing Board, briefed the Licensing Board on the current and proposed changes to the Licensing (Sc) Act 2005 ("the 2005 Act") brought about by the Air Weapons and Licensing (Sc) Act 2015 ("the 2015 Act").

### **Motion**

That the Board note the current and proposed changes to the Alcohol Licensing regime brought about through the Air Weapons and Licensing (Sc) Act 2015.

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

### **Decision**

The Board unanimously agreed to note the current and proposed changes to the Alcohol Licensing regime brought about through the Air Weapons and Licensing (Sc) Act 2015.

## 8.0 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 May and 30 June 2015 granted a licence from this date had until 31 July and 31 August 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 Graham Watt. 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:

Name	Licence No.	Name	Licence No.
Clifford Christopher Warde	CC352	Fiona McGillivray	CC358
Heather Grieve	CC363	Ian Cross	CC384
Joanne Elizabeth Hood	CC381	John Easton Sands	CC359
Kim Miller	CC372	Kirsty O'Brien	CC379
Margaret Soloman	CC373	Martin Hogg	CC380
Ryan Ronald McMillan	CC357	Sheena McPherson	CC365
Shirley Sinclair	CC374		

### Action

Depute Clerk to the Board

## 9.0 AOCB

### (i) Premises Licence Application

**Premises :** Gartmorn Lounge, Posthill, Sauchie, FK10 3NS

**Applicant :** Lindsey O'Brien, [REDACTED]

An application for the grant of a Premises Licence, which had attracted no objections was put before the board.

### Attending

Mr Paul Fair, Licensing Standards Officer  
Lindsey O'Brien, Applicant  
Alan Bradie, Premises Owner

## **Motion**

Having considered all of the information presented to it and having had opportunity to put questions to the applicant and the Licensing Standards Officer, that the Board grants the application for the grant of a premises licence subject to the conditions set out in Appendix A and Appendix B of the Licensing Standards Officer's report dated 7 August 2015.

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 unanimously agreed to grant the application for the grant of a premises licence subject to the conditions set out in Appendix A and Appendix B of the Licensing Standards Officer's report dated 7 August 2015 namely:

### **Local Conditions - Outdoor Drinking Area:**

- Consumption of alcohol in the outdoor drinking area prohibited after 10.00 pm;
- The disposal of glass and other receptacles in the outside area is prohibited from 8.00 pm until 9.00 am;
- The licence holder shall ensure that no music at all, live or otherwise, is permitted to be played in the outdoor drinking area either by themselves, their staff or their customers;
- The licence holder shall ensure that no entertainment is provided within the outdoor drinking facility either by themselves, their staff or their customers;
- No speakers or tannoy systems shall be used in connection with an outdoor dining facility;
- The licence holder shall ensure that where musical entertainment of any sort is provided within the licensed premises, no disturbance from that entertainment is caused to neighbouring residents when customers enter or leave the outdoor drinking area;
- The licence holder shall ensure that the behaviour of customers is not likely to cause nuisance or annoyance to neighbouring residents and in particular must take all reasonable steps to prevent shouting, singing or loud talking;
- The licence holder and their staff shall ensure that customers do not encroach on to the footpath or any adjoining public area outwith the boundaries of the proposed outdoor drinking area;
- Where the outdoor drinking facility is to be used during the hours of darkness, the licence holder shall ensure that suitable lighting is provided for the convenience and safety of all persons on the premises but shall not cause annoyance to neighbouring residents through brightness or glare;
- The licence holder shall ensure that the outdoor drinking facility is not used either by themselves, their staff or their customers for any purpose which is likely to cause annoyance to neighbours through smell, for example, the use of barbeques;
- The licence holder shall ensure that any facility provided for the comfort of patrons such as outdoor heaters are used and maintained in a safe manner and in accordance with manufacturers' instructions and any statutory safety requirements;
- The licence holder shall ensure that the outdoor drinking area is kept clean and free from litter at all times. The licence holder shall provide suitable receptacles for litter having regard to the nature of any litter likely to be produced and shall ensure that staff and customers use these receptacles. The licence holder shall ensure that such receptacles are emptied on a regular basis, however, this must be done in accordance with paragraph 3.9 of Part B of the Licensing Policy;
- Licence holders should insofar as practical provide plastic or other suitable non-glass drinking containers for use in the outdoor drinking area(s). The licence holder should seek to take all necessary steps to prevent customers taking glasses and in particular glass bottles into the outdoor drinking area(s);

- Where smoking is permitted in the outdoor drinking area, the licence holder shall ensure that ashtrays or other suitable receptacles are provided on the tables and that precautionary measures are in place to prevent the outbreak of a fire in the outdoor drinking area caused by discarded cigarettes. Applicants are reminded that any structure provided for the use of those wishing to smoke must comply with the provisions of the Smoking, Health and Social Care (Scotland) Act 2005 and the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006. Applicants and Licence holders are reminded that it is a criminal offence to breach these provisions;
- The licence holder shall take all reasonable steps to ensure that customers within the premises and occupants of adjacent or neighbouring properties are not caused nuisance or annoyance at risk by the presence of second hand smoke caused by those smoking within outdoor drinking areas. To comply with this requirement, the licence holder should permit smoking only within certain designated parts of outdoor drinking areas (insofar as this is reasonably possible);
- The licence holder will be required to display notices setting out the rules which apply to the use of the outdoor drinking area and conduct therein. Such notices should be placed at the entrance to the outdoor drinking area, where they can be conveniently read by customers;
- The licence holder shall ensure that their staff are familiar with the above requirements and that they take all necessary steps to ensure that they are complied with.

#### **Local Conditions - Children and Young Persons**

- Children and young persons will only be admitted to the premises in accordance with the circumstances detailed in the operating plan (i.e. when attending a family type celebration where food and family entertainment is provided) and that any such pre-booked events are recorded in an events diary kept on the premises. Any such diary should be kept on the premises at all times and be available for inspection by Police and Licensing Standards Officer at any time when the premises are open.
- Young persons participating in Pool and Darts matches or competitions will only be permitted on to the premises where the match is being played as part of a recognised and established pool or darts league, and they will only be permitted to remain on the premises for 30 minutes after the end of the match and in any case no later than 11pm. Details of pre-planned matches and events should be recorded in an events diary kept on the premises. Any such diary should be kept on the premises at all times and be available for inspection by Police and Licensing Standards Officer at any time when the premises are open.

#### **Action**

Depute Clerk to the Board

Ends 1115 hrs

