



NOTICE OF MEETING

16 January 2017

A MEETING of the CLACKMANNANSHIRE LICENSING BOARD will be held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on TUESDAY 24 JANUARY 2017 at 10.00 am.

STUART McQUEEN
Depute Clerk to the Licensing Board

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1. Apologies	--
2. Declarations of Interest	--
<p>Elected Members are reminded of their obligation to declare any financial or non-financial interest which they may have in any item on this agenda in accordance with the Councillors' Code of Conduct. A Declaration of Interest Form should be completed and passed to the Committee Services Officer.</p>	
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Clackmannanshire Licensing Board – Members (Quorum 4)

Councillors		Wards		
Councillor	Walter McAdam, MBE	2	Clackmannanshire North	SNP
Councillor	Les Sharp	1	Clackmannanshire West	SNP
Councillor	George Matchett, QPM	1	Clackmannanshire West	LAB
Councillor	Donald Balsillie	2	Clackmannanshire North	SNP
Councillor	Graham Watt	3	Clackmannanshire Central	LAB
Councillor	Kenneth Earle	4	Clackmannanshire South	LAB
Councillor	Craig Holden	4	Clackmannanshire South	SNP
Councillor	Irene Hamilton	5	Clackmannanshire East	SNP

The quorum for the Board by virtue of Schedule 1 paragraph 12(1) of the Licensing (Scotland) Act 2005 is 4 members

CLACKMANNANSHIRE LICENSING BOARD

MINUTE OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on Wednesday 23 NOVEMBER 2016 at 10.00 am.

PRESENT

Councillor Walter McAdam, MBE (In the Chair)
Councillor Donald Balsillie (item 4.0)
Councillor Kenneth Earle
Councillor Les Sharp
Councillor Graham Watt

IN ATTENDANCE

June Andison, Licensing Administrator
Paul Fair, Licensing Standards Officer
Stuart McQueen, Solicitor, Depute Clerk to the Licensing Board
Sergeant Marie White, Police Scotland

1.0 APOLOGIES

Apologies for absence were received from Councillor Irene Hamilton, Councillor Craig Holden and Councillor George Matchett, QPM.

2.0 DECLARATIONS OF INTEREST

None

3.0 LICENSING (SCOTLAND) ACT 2005 – EXTENDED HOURS APPLICATION

(i) Application for Extended Hours

Applicant: Candleriggs Inns Limited, Inchview House, Kelliebank, Alloa, FK10 1NT
Premises: Peppe's Bar, 12 Mar Place, Alloa, FK10 2AB
Event: Candleriggs Inns Limited – Sunday 27 November 2016

Attending

Sgt Marie White, Police Scotland (Representing the Chief Constable).
Mr Gerry Mulraney, Applicant
Mr Paul Fair, Licensing Standards Officer

An application for extended hours, which had attracted an objection from the Chief Constable in terms of Section 69(2), together with the Licensing Standards Officer's report in terms of Section 69(3) thereon was put before the Board for determination.

The application sought to bring forward by way of extended hours the commencement hour at the premises known as Peppe's, 12 Mar Place, Alloa, from 11.00 am by 60 minutes to 10.00am to facilitate a private event exclusively for members of the St Mungo's Shamrock Celtic Supporters Club and the Tommy Craig Celtic Supporters Club..

Motion(s)

Having heard representation from the Applicant and Police Scotland and having considered the content of the application and taken into account the Licensing Standards Officer's report dated 4 November 2016, that the application be refused as it falls outwith the general terms of the Clackmannanshire Licensing Board Statement of Licensing Policy.

Moved by Councillor Les Sharp. Seconded by Councillor Kenneth Earle.

A counter-motion was proposed by Councillor Graham Watt and seconded by Councillor Walter McAdam, MBE, that the application be granted given the recent history of a similar application..

Vote

For the motion to refuse	2 votes
For the motion to grant	2 votes

The motion to grant the application was carried on the casting vote of the Chair.

Decision

Accordingly, on the casting vote of the Chair, having heard representation from the Applicant and Police Scotland and having considered the content of the application and taken into account the Licensing Standards Officer's report dated 4 November 2016, the Board agreed to grant the application for extended hours.

Action

Depute Clerk to the Board

- *Councillor Balsillie joined the meeting during the Licensing Standards Officer's representation on the following item (10.15 am)*

4.0 LICENSING (SCOTLAND) ACT 2005 – OCCASIONAL LICENCE APPLICATION

(i) Application for Occasional Licence

Applicant: Mr Graham Baillie, 1 Craigrie Cottages, Port Street, Clackmannan
Venue: Lodge Clackmannan 1303, Kirkwynd, Clackmannan, FK10 4JF
Event: Under-13s Girls Football Presentation.

Attending

Mr Paul Fair, Licensing Standards Officer
The applicant did not attend.

An occasional licence application together with the Licensing Standards Officer's report in terms of Section 57(3) of the Licensing (Scotland) Act 2005 was put before the Board for determination.

Motion

Having considered the content of the application and having taken into account the Licensing Standards Officer's report dated 26 October 2016, that the application be refused for the reason that grant of the application would be inconsistent with the licensing objective of protecting children from harm.

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

A counter-motion was proposed by Councillor Les Sharp and seconded by Councillor Donald Balsillie, that the application be granted subject to the conditions set out in Appendix A of the Licensing Standards Officer's report dated 26 October 2016.

Vote

For the motion to refuse 2 votes

Against the motion to refuse 3 votes

For the motion to grant 3 votes

Against the motion to grant 2 votes

The motion to grant the application was carried on a division of 3 votes to 2

Decision

Accordingly, on a division of 3 votes to 2, having considered all of the information presented to it, the Board agreed to grant the application subject to the conditions set out in Appendix A of the Licensing Standards Officer's report dated 26 October 2016, namely:

- All alcohol must be sold and supplied to the customer in, or decanted into, plastic or polycarbonate bottles and drinking vessels.
- Only alcohol sold at the event by the licence holder can be consumed at 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.
- A suitable and effective age verification policy must be adopted by the licence holder, this policy should be in writing and a copy of the policy should be kept on the premises for the duration of the licence. The policy must be made available to the Licensing Standards Officer at least 48 hours prior to the event.
- Prior to the commencement of the event, all staff working at the event should be briefed in relation to the terms and conditions of the occasional licence.
- No glass or other forms of waste likely to produce excessive noise will be disposed of in the external bins at the premises after 9pm and before 10am the following morning.

Action

Depute Clerk to the Board

5.0 AOCB

None.

Ends 1035 hrs

CLACKMANNANSHIRE LICENSING BOARD

MINUTE OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on TUESDAY 29 NOVEMBER 2016 at 10.00 am.

PRESENT

Councillor Walter McAdam, MBE (In the Chair)
Councillor Donald Balsillie
Councillor Kenneth Earle
Councillor George Matchett, QPM
Councillor Les Sharp

IN ATTENDANCE

June Andison, Licensing Administrator
Paul Fair, Licensing Standards Officer
Stuart McQueen, Solicitor, Depute Clerk to the Board

1.0 APOLOGIES

Apologies for absence were received from Councillor Irene Hamilton, Councillor Craig Holden and Councillor Graham Watt.

2.0 DECLARATIONS OF INTEREST

None

3.0 MINUTES OF MEETINGS: TUESDAY 1 NOVEMBER 2016

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 1 November 2016 were submitted for approval.

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

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 1 November 2016 were agreed as a correct record and signed by the Chair.

4.0 LICENSING (SCOTLAND) ACT 2005

Agenda items 4(i), 4(ii) and 4(iii) had been granted under delegated powers and were put before the Board for information only. Items 4(i), 4(ii) and 4(iii) were, therefore, considered together as one item.

(i) Applications for Personal Licences – Granted Under Delegated Powers

A list of personal licence applications numbered 1-4 (inclusive) which had been granted under delegated powers was put before the Board for information only.

Moved by Councillor Les Sharp. Seconded by Councillor George Matchett, QPM

The Board agreed to note that Personal Licence Applications numbered 1-4 (inclusive) had been granted under delegated powers.

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

A list of applications (1-4 inclusive) for a minor variation of licence which had attracted no objections or representations and had been granted under delegated powers was put before the Board for information only.

Moved by Councillor Les Sharp. Seconded by Councillor George Matchett, QPM.

The Board agreed to note that the applications (1-4 inclusive) for variation of licence (minor) which had attracted no objections or representations had been granted under delegated powers.

(iii) Application for Transfer of Licence – Granted Under Delegated Powers

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

Moved by Councillor Les Sharp. Seconded by Councillor George Matchett, QPM.

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

5.0 LICENSING (SCOTLAND) ACT 2005 – VARIATION (NON-MINOR)

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

Premises: Sauchie Juniors Social Club, Beechwood Park Stadium, Sauchie, FK10 3AX
Applicant: Sauchie Juniors Social Club. Beechwood Park Stadium, Sauchie, FK10 3AX

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

The application sought a variation to children and young person's access terms and conditions, a change of commencement hour on Sundays and to allow access for children aged 0-17 years on the premises.

Motion

Having considered all of the information presented to it and having determined that no grounds for refusal apply, that the Board grants the application to vary the premises licence.

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

Decision

Having considered all of the information presented to it and having determined that no grounds for refusal apply, the Board agreed unanimously to grant the application to vary the premises licence.

Action

Depute Clerk to the Board

6.0 LICENSING (SCOTLAND) ACT 2005 – OCCASIONAL LICENCE APPLICATION

(i) Application for Occasional Licence

Applicant: Mr Richard Carlin, 78 Alexander McLeod Place, Fallin, FK7 7HP

Venue: Alloa Town Hall, Marshall, Alloa

Event: Mixed Martial Arts/Kickboxing Event - 15 April 2017

Attending

Paul Fair, Licensing Standards Officer

The applicant did not attend.

Motion

Having considered all of the information presented to it 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 7 November 2016.

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 for questions, the Board agreed unanimously to grant the application subject to the conditions set out in Appendix A (page 37) of the Licensing Standards Officer's report dated 7 November 2016, namely:

- All alcohol and other drinks must be sold and supplied to the customer in, or decanted into, plastic or polycarbonate bottles and drinking vessels. This includes all drinks originally contained within metal cans.
- Only alcohol sold at the event by the licensee can be consumed at the event.
- A minimum of 10 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.
- Details of the Stewards must be supplied to the Licensing Standards Officer at least 72 hours prior to the event for checking of the current licence status with the SIA Register (full name and SIA licence number),
- 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 trained staff [trained in accordance with the Licensing (Training of Staff) Scotland Regulations 2007] will be 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.
- A written age verification policy for use at the event must be prepared by the licence holder and supplied to the Licensing Board or Licensing Standards Officer at least 7 days prior to the event. This policy must form part of a briefing for staff and stewards.

- All staff authorised to sell alcohol at the event and all stewards on duty at the event must be briefed prior to the commencement of the event in relation to the terms and conditions of the Occasional Licence, in particular in relation to the local conditions attached thereto.
- No glass or other forms of waste likely to produce excessive noise will be disposed of in the external bins at the premises after 9pm and before 10am the following morning.

Action

Depute Clerk to the Board

7.0 PREMISES LICENCE REVIEW PROPOSAL

Premises Licence Review Proposal – The Bottle Shop, 96 Stirling Street, Alva FK12 5EH

A report was submitted by the Clerk to the Licensing Board. The Licensing Standards Officer wrote to the Clerk by letter dated 3 November 2016 bringing to his attention matters of concern regarding the above premises and inviting the Board to make a proposal to review the premises licence relating to the said premises.

Motion

Having considered the information set out in both the report and the letter dated 3 November 2016, that the Board makes a premises licence review proposal in terms of the draft premises licence review proposal annexed to the report (Appendix B) and fixes a hearing for the purpose of considering and determining the said premises licence review proposal.

Moved by Councillor Les Sharp. Seconded by Councillor George Matchett, QPM.

Decision

Having considered the information set out in both the report and the letter dated 3 November 2016, the Board agreed unanimously to make a premises licence review proposal in terms of the draft premises licence review proposal annexed to the report (Appendix B) and to fix a hearing for the purpose of considering and determining the said premises licence review proposal. A hearing to be convened no later than 42 days from 29 November 2016.

Action

Clerk to the Board

8.0 REVOCATION OF PERSONAL LICENCES

A report in respect of Personal Licence Holders who had failed to notify the Board of completion of prescribed training was submitted by the Depute Clerk to the Board.

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 June 2011 and August 2011 granted a licence from this date had until August 2016 and October 2016 to complete the mandatory refresher training, failing which the Board must revoke the licence.

Motion

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

Decision

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

Name	Licence No	Name	Licence No
Alan Nutt	CC435	Alexander John Leith	CC434
Ann Anderson	CC420	Benjamin Collier	CC436
Brian Reid	CC418	Carolyn Elizabeth Stanforth	CC408
Carrie Lockie	CC446	Christine Griffiths	CC429
Garath Collier	CC440	Gary William Turner	CC405
Gemma Anne Hertwig	CC433	John McKelvie	CC448
John P Dugdale Bradley	CC437	Katie Louise Gibson	CC407
Lillian Cheng	CC194	Louise Anderson	CC447
Louise Campbell	CC415	Michael Kennedy	CC392
Nicola McClement	CC391	Nicola Rennie	CC431
Sheree Mason	CC435	Stacey Emma Gourlay	CC406
Susanne Jack	CC457		

Action

Depute Clerk to the Board

9.0 CHIEF CONSTABLE'S REPORT TO THE CLACKMANNANSHIRE COUNCIL LICENSING BOARD FOR THE PERIOD 1 APRIL 2015 TO 31 MARCH 2016 – REPORT UPDATE.

At the meeting of the Licensing Board on 1 November 2016, in response to comments from the Board, Chief Inspector Andrew Sinclair had undertaken to provide a supplementary statistical report to the Licensing Board.

The Depute Clerk advised the Board that Chief Inspector Sinclair was unable to attend today.

In the absence of Chief Inspector Sinclair, the Board agreed unanimously to defer this matter to the next full meeting of the Board on 24 January 2017.

10.0 AOCB

10.1 LICENSING (SCOTLAND) ACT 2005 – OCCASIONAL LICENCE APPLICATION

(I) Application for Occasional Licence

Applicant: Mr Paul Hedges, c/o Flint Bishop Solicitors, St Michael's Court, St Michael's Lane, Derby, DE1 3HQ

Venue: Alloa Town Hall, Marshall, Alloa

Event: Ultra White Collar Boxing Event – 17 December 2016

Attending

Paul Fair, Licensing Standards Officer

The applicant did not attend.

Motion

Having considered all of the information presented to it that the Board grants the application for an occasional licence subject to the conditions set out in Appendix A (page 65) of the Licensing Standards Officer's report dated 8 November 2016 and to include a condition relating the disposal of glass or other forms of waste likely to produce excessive noise.

Moved by Councillor George Matchett, QPM. Seconded by Councillor Les Sharp.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the application subject to the conditions set out in Appendix A (page 65) (as amended to include a condition relating the disposal of glass or other forms of waste likely to produce excessive noise) of the Licensing Standards Officer's report dated 8 November 2016, namely:

- All alcohol and other drinks must be sold and supplied to the customer in, or decanted into, plastic or polycarbonate bottles and drinking vessels except bottled wine (including sparkling wine) which may be served at a table by a waitress/bar staff and left with a seated customer. Empty glass bottles must be removed from tables as soon as reasonably possible after being emptied. At least one dedicated member of staff must be briefed in relation to this condition.
- Only alcohol sold at the event by the licensee can be consumed at the event.
- A minimum of 6 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.
- 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 trained staff will be 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.
- The applicant must prepare an age verification policy; this policy should be made available to the Licensing Standards Officer and Police (if requested) at least 48 hours prior to the event.
- The applicant must brief all stewards and staff authorised to serve or make sales of alcohol prior to the commencement of the event; this briefing should include information relating to the terms and conditions of the licence and any other relevant licensing matters.
- No glass or other forms of waste likely to produce excessive noise will be disposed of in the external bins at the premises after 9pm and before 10am the following morning.

Action

Depute Clerk to the Board

10.2 LICENSING (SCOTLAND) ACT 2005 – OCCASIONAL LICENCE APPLICATION

(ii) Application for Occasional Licence

Applicant: Mr Craig Stewart, Oakwood Lounge, Fairfield, Sauchie, FK10 3DE

Venue: Alloa Town Hall, Marshall, Alloa

Event: Tribute Band Night – 28 December 2016

Attending

Paul Fair, Licensing Standards Officer

The applicant did not attend.

Motion

Having considered all of the information presented to it that the Board grants the application for an occasional licence subject to the conditions set out in Appendix A (page 73) of the Licensing Standards Officer's report dated 10 November 2016.

Moved by Councillor Kenneth Earle. Seconded by Councillor Donald Balsillie.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the application subject to the conditions set out in Appendix A (page 73) of the Licensing Standards Officer's report dated 10 November 2016, namely:

- All alcohol must be sold and supplied to the customer in, or decanted into, plastic or 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 entertainment must cease at no later than 15 minutes prior to the end of licensed hours.
- No alcohol is to be taken into or consumed within the changing rooms, balcony, foyer, stairwells, upper landings or toilets.
- A suitable and effective age verification policy must be adopted by the licence holder; this policy should be in writing and a copy of the policy should be kept on the premises for the duration of the licence.

- Prior to the commencement of the event, all staff working at the event should be briefed in relation to the terms and conditions of the occasional licence.
- No glass or other forms of waste likely to produce excessive noise will be disposed of in the external bins at the premises after 9pm and before 10am the following morning.

Action

Depute Clerk to the Board

Ends 1030 hrs

CLACKMANNANSHIRE LICENSING BOARD

MINUTE OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on FRIDAY 6 JANUARY 2017 at 10.00 am.

PRESENT

Councillor Les Sharp (In the Chair)
Councillor Irene Hamilton
Councillor George Matchett, QPM
Councillor Graham Watt

IN ATTENDANCE

Paul Fair, Licensing Standards Officer
Stuart McQueen, Solicitor, Depute Clerk to the Board

1.0 APOLOGIES

Apologies for absence were received from Councillor Walter McAdam, Councillor Donald Balsillie, Councillor Kenneth Earle and Councillor Craig Holden.

In the absence of Councillor Walter McAdam (Chair of the Licensing Board), the meeting was chaired by Councillor Les Sharp (Vice Chair).

2.0 DECLARATIONS OF INTEREST

None

3.0 PREMISES LICENCE REVIEW PROPOSAL

Hearing to Consider a Premises Licence Review Proposal in terms of Section 38 of the Licensing (Scotland) Act 2005 in respect of the premises known as The Bottle Shop, 96 Stirling Street, Alva, FK12 5EH.

A review hearing in terms of Section 38 of the Licensing (Scotland) Act 2005 was held to consider and determine a Premises Licence Review Proposal in respect of the Premises Licence for the Bottle Shop, 96 Stirling Street, Alva, FK12 5EH, held by Mrs Angela Polley. Review of the licence was sought on the grounds specified in section 36(3) (a) and (b) of the Licensing (Scotland) Act 2005:

- (a) That one or more of the conditions to which the premises licence is subject has been breached, namely.

The Premises Licence Holder has breached Mandatory Condition 4(1)(a) which provides that alcohol is not to be sold on the premises at any time when there is no premises manager in respect of the premises; and

- (b) A ground relevant to one or more of the licensing objectives, namely:

The Premises Licence Holder has sold alcohol or knowingly allowed alcohol to be sold when there has been no premises manager in respect of the premises contrary to section 1(1) (a) of the Licensing (Scotland) Act 2005 which provides that alcohol is not to be sold on any

premises except under and in accordance with a premises licence granted under the 2005 Act in respect of the premises. The above circumstances constitute an offence in terms of section 1(3) of the 2005 Act. The Premises Licence Holder has accordingly acted in a manner inconsistent with the licensing objective of preventing crime and disorder.

A letter from Police Scotland dated 28 December 2016 was made available to the Board. The letter intimated that Police Scotland consider police involvement concluded as it is not in the public interest to pursue this matter further.

Attending

Mrs Angela Polley, Premises Licence Holder
Mr Gordon Polley, representing Mrs Angela Polley
Mr Paul Fair, Licensing Standards Officer

Having heard representation from the Licensing Standards Officer and the Licence Holder's representative and having had opportunity to put questions to both parties, the Board agreed to adjourn at this point in the proceedings (1020 hrs) to seek legal advice. When the Board resumed at 1035 hrs, 4 members remained present.

Motion (1)

Having considered all of the information provided and representations made, that the Board is satisfied that grounds for review are established and that it is both necessary and appropriate for the purposes of the licensing objective of preventing crime and disorder to (i) issue a written warning to the licence holder; and (ii) to include a condition requiring that the licence holder put in place procedures to cover similar circumstances in terms of the replacement of any Designated Premises Manager with such procedures being made available to the Licensing Standards Officer for examination.

Moved by Councillor George Matchett, QPM. Seconded by Councillor Graham Watt.

Motion (2)

Having considered all of the information provided and representations made, that the Board make a finding in terms of section 84(2) of the Licensing (Scotland) Act 2005, the Personal Licence Holder CC231 (Mrs Angela Polley) has acted in a manner which is inconsistent with the licensing objectives whilst working in her capacity as the premises licence holder.

Moved by Councillor Les Sharp. Seconded by Councillor George Matchett, QPM.

Decision

Having considered all of the information provided and representations made, the Board was satisfied that grounds of review had been established and agreed unanimously that it was necessary and appropriate for the purposes of the licensing objective of preventing crime and disorder to:

- (i) Issue a written warning to the Premises Licence Holder,
- (ii) Include a condition requiring that the Premises Licence Holder puts in place procedures to cover similar circumstances in terms of the replacement of any Designated Premises Manager with such procedures being made available to the Licensing Standards Officer for examination, and
- (iii) Make a finding in terms of section 84(2) of the Licensing (Scotland) Act 2005 that Personal Licence Holder CC231 has acted in a manner that is inconsistent with the licensing objectives whilst working in her capacity as the premises licence holder.

The Depute Clerk advised that in light of decision (iii) (above) a further Hearing will be convened to consider this finding and what, if any, sanction in regard to the Personal Licence

is appropriate. The Depute Clerk indicated that the date of this Hearing will be made known to the Personal Licence Holder as soon as practicable.

Action

Depute Clerk to the Board

Ends 1040 hrs

**THIS PAPER RELATES TO
ITEM 04(i)
ON THE AGENDA**

CLACKMANNANSHIRE LICENSING BOARD

MEETING 24 January 2017 at 10.00am

**The Council Offices. Patons Building,
Kilncraigs, Alloa, FK10 1EB**

Licensing (Scotland) Act 2005

Personal Licence(s)

No.	Applicant	Date Received	Comments
1.	Mary Galbraith c/o Belhaven Group Atrium House 6 Back Walk Stirling FK8 2QA	23 November 2016	Personal Licence granted under delegated powers
2.	Lesley Gilroy	24 November 2016	Personal Licence granted under delegated powers
3.	Zoe Bradie	25 November 2016	Personal Licence granted under delegated powers
4.	Jennie McRitchie c/o Belhaven Group Atrium House 6 Back Walk Stirling FK8 2QA	25 November 2016	Personal Licence granted under delegated powers

**THIS PAPER RELATES TO
ITEM 04(ii)
ON THE AGENDA**

CLACKMANNANSHIRE LICENSING BOARD

MEETING 24 January 2017 at 10.00am

**The Council Offices, Kilncraigs,
Greenside Street, Alloa, FK10 1EB**

Licensing (Scotland) Act 2005

Variation(s) (Minor)

Premises	Applicant	Date Received	Comments
Asda Store Whins Road Alloa FK10 2SD	Asda Stores Limited c/o Gosschalks Solicitors Queens Gardens Hull HU1 3DZ	18 November 2016	Variation to change Premises Manager granted under delegated powers

Report to the Licensing Board

Date of Meeting: 24 January 2017

**Subject: Hearing in respect of Personal Licence No CC231 – Section 84
of the Licensing (Sc) Act 2005**

Report by: Depute Clerk of the Licensing Board

1.0 Purpose

1.1 Hearing, in terms of section 84 of the Licensing (Sc) Act 2005, to consider the revocation, suspension or endorsement of the Personal Licence No CC231 granted by Clackmannanshire Licensing Board and held by Mrs Angela Polley.

2.0 Background

2.1 At its meeting on 6 January 2017 during the Premises Licence Review Hearing in respect of the premises The Bottle Shop, 96 Stirling Street, Alva, the Board determined that the grounds for Review had been established and determined that a written warning should be issued against that Licence. Said warning letter is attached at Appendix A.

2.2 The Board further made a finding that Angela Polley, holder of Personal Licence No CC231, whilst working in the licensed premises specified, acted in a manner inconsistent with one of the licensing objectives, namely preventing crime and disorder.

2.3 In the course of the Hearing the Board heard that Angela Polley had failed to properly intimate a change of Designated Premises manager as required by the Licensing (Sc) Act 2005, and as such had failed to comply with the mandatory Premises Licence conditions, with the additional consequence of exposing employed members of staff to the possibility of criminal prosecution by continuing to sell alcohol at the premises.

2.4 By virtue of section 84(7) Board Members should consider what, if any, sanction should be applied to that Personal Licence if it is satisfied that it is necessary to do so for the purposes of any of the licensing objectives. The Board can make an order (i) revoking, (ii) suspending for such period as it thinks appropriate (not exceeding 6 months), or (iii) endorsing, the Personal Licence.

3.0 Recommendation

3.1 That the Board, where it is satisfied that it necessary to do so for the purposes of the licensing objectives, makes such order as it thinks appropriate in all the circumstances in terms of section 84(7).

4.0 Sustainability Implications

4.1. None

5.0 Resource Implications

5.1. *Financial Details* - None

5.2. *Staffing* - None

6.0 Equalities Impact

6.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

7.0 Legality

7.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

8.0 Appendices

8.1 Warning Letter dated 9 January 2017.


9.0 Background Papers

9.1 Papers to Licensing Board of 6 January 2017 at Item 3.

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Stuart McQueen	Depute Clerk to the Licensing Board	2085

Approved by

NAME	DESIGNATION	SIGNATURE
Andrew Wyse	Clerk to the Licensing Board	

**Resources and Governance Services
Legal Services**



Clackmannanshire Council
www.clacksweb.org.uk

Kilncraigs, Greenside Street, Alloa. FK10 1EB.
Telephone: 01259-450000 Fax: 01259 452021 LP9 Alloa

Ms Angela Polley
[Redacted]

Contact: **Stuart McQueen**

Direct Tel: 01259 452085

Email: smcqueen@clacks.gov.uk

Our Ref:

Your Ref:

Date: 9 January 2017

FIRST CLASS RECORDED DELIVERY

Dear Ms Polley

**Clackmannanshire Licensing Board
Hearing to consider a Premises Licence Review Proposal in respect of the
Premises Licence for The Bottle Shop, 96 Stirling Street, Alva, FK12 5EH
Hearing date: Friday 6 January 2017 at 10.00am**

I refer to the above hearing which was held today and confirm that, having taken into account all the information before and presented to it, the Board made a finding that it was satisfied that both grounds of review specified in the Premises Licence Review Proposal had been established.

The Board were of the view that the failure by the Premises Licence Holder to properly intimate a change of Designated Premises Manager as required by the Licensing (Sc) Act 2005 was significant and inconsistent with the licensing objectives.

The circumstances as determined by the Board exposed the management to the unacceptable position of failing to comply with the mandatory conditions of the Premises Licence, with the further consequence of exposing employed members of staff to the possibility of criminal prosecution. The Board did not accept that this failure was merely a clerical or administrative error, instead were clearly of the view that it was a significant breach of the mandatory licence conditions and a statutory offence.

Further in light of the Premises Licence Holder's concession that training had been undertaken which included details concerning a varying the Designated Premises Manager, the Board considered that this situation should not have occurred.

The Board thereafter determined that a written warning should be issued against the Premises Licence and that this will be held on record for a period of 2 years from today's date. This letter constitutes that warning.

The Board also made a finding in terms of s84(2) of the 2005 Act, that you, in your capacity as a personal licence holder, and whilst working in the licensed premises in respect of which the premises licence was issued, acted in a manner inconsistent with one of the licensing objectives, namely preventing crime and disorder.

Accordingly, I inform you that you will be invited to attend a hearing to be held at 10am on 24 January 2017 at which you will have an opportunity to be heard and, if the Board is satisfied that it is necessary to do so for the purposes of any of the licensing objectives may make an order endorsing, suspending or revoking your personal licence. Please note, the Board may suspend your licence for up to 6 months.

You are advised that it is in your best interests to appear at this hearing. You may be represented by a solicitor or any other person.

Should you have any difficulty in understanding this Decision letter or have any query about it, please contact our Licensing Administrator, June Andison, Kilncraigs, Alloa (tel: 01259 452093).

Yours sincerely,

A solid black rectangular box used to redact the signature of Stuart McQueen.

Stuart McQueen
Solicitor and Depute Clerk to Clackmannanshire Licensing Board

Report to the Licensing Board

Date of Meeting: 24 January 2017

**Subject: Chief Constable's report to the Clackmannanshire Council
Licensing Board for the Period 1st April 2015 to 31 March 2016 –
Report Update**

Report by: Depute Clerk of the Licensing Board

1.0 Purpose

1.1 To provide the Board with the update from Police Scotland regarding the operation of the 2005 Act in the Clackmannanshire area, following on from the Chief Constable's Report on 1 November 2016.

2.0 Background

2.1 At the meeting on 1 November 2016 the Chief Constable's representative, following a request from Members, agreed to provide an updated report on the operation of the Licensing (Sc) Act 2005 within the Board's area. This update was deferred at the meeting of the Board on 29 November 2017. The update is attached at Appendix A.

3.0 Recommendation

3.1 That the Board notes the additional information submitted.

4.0 Sustainability Implications

4.1. None

5.0 Resource Implications

5.1. *Financial Details* – None

5.2. *Staffing* - None

6.0 Equalities Impact

6.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

7.0 Legality

7.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

8.0 Appendices

8.1 Supplementary Report from Police Scotland (to follow)


9.0 Background Papers

9.1 Report to Licensing Board of 1 November 2016 on Item 5.

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Stuart McQueen	Depute Clerk to the Licensing Board	2085

Approved by

NAME	DESIGNATION	SIGNATURE
Andrew Wyse	Clerk to the Licensing Board	

Supplementary Report to Chief Constables Report 2015/16 to Clackmannanshire Licensing Board

This supplementary report provides further statistical information on alcohol related offences for the benefit of the Board as requested. It is hoped this will provide an appreciation of alcohol related offending within Clackmannanshire Board Area and provide a statistical comparison to previous years.

The below Table shows a summary the total number of offences broken into Violent Crime and Disorder in the Clackmannan Area over a three year period. The data has been broken down to show the accused status as drunk or had been drinking and gives overall percentages:

All locus types	2013/14				2014/15				2015/16			
	Total Charges	Detected Charges	Accused drunk or had been drinking	% accused drunk or had been drinking	Total Charges	Detected Charges	Accused drunk or had been drinking	% accused drunk or had been drinking	Total Charges	Detected Charges	Accused drunk or had been drinking	% accused drunk or had been drinking
% of detected drunk or had been drinking												
Violent Crime	691	544	247	45.4	838	693	323	46.6	832	621	241	38.8
Disorder	673	620	387	62.4	696	614	328	53.4	658	569	243	42.7
Total Charges	1364	1164	634	54.5	1534	1307	651	49.8	1490	1190	484	40.7

The data shows a decrease in the three years of people charged with violent crime/disorder who were drunk or had been drinking from 54.5 percent in 2013/14 to 40.7 percent in 2015/16.

The table below breaks down the summary table above further into more specific offences so that we can see what types of offences make up Violent Crime/Disorder. This table gives a more detailed look at the figures provided above and specifically shows detected and undetected crimes.

Violent Crime and Disorder (All locus types)	2013/14			2014/15			2015/16		
	Detected	Undetected	Total Charges	Detected	Undetected	Total Charges	Detected	Undetected	Total Charges
Serious Assault	37	2	39	45	4	49	41	0	41
Common Assault	465	145	610	568	141	709	509	211	720
Assault (emergency worker)	42	0	42	80	0	80	71	0	71
Breach of the Peace	144	8	152	59	1	60	30	2	32
Urinate/defecate	21	0	21	15	0	15	9	0	9
Threatening or abusive behaviour	455	45	500	540	81	621	530	87	617
Total Charges	1164	200	1364	1307	227	1534	1190	300	1490

The below two tables again breakdown further the summary table above into those who were charged with offences and highlight those who were under the influence of drink/drugs. The bottom table shows those who were aged 17 or under.

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Violent Crime and Disorder (All locus types)	2013/14					2014/15					2015/16				
	Drugs	Drunk	Had Been Drinking	Not Known	Sober	Drugs	Drunk	Had Been Drinking	Not Known	Sober	Drugs	Drunk	Had Been Drinking	Not Known	Sober
Accused Sobriety															
Serious Assault	2	3	12	16	4	0	5	17	18	5	1	3	17	9	11
Common Assault	2	75	132	132	124	18	65	181	189	115	2	50	126	171	160
Assault (emergency worker)	5	10	15	5	7	11	16	39	6	8	1	20	25	14	11
Breach of the Peace	1	40	57	26	20	0	4	27	19	9	1	4	9	7	9
Urinate/defecate	0	5	15	0	1	0	8	7	0	0	0	3	6	0	0
Threatening or abusive behaviour	11	105	165	99	75	15	98	184	133	110	6	97	124	179	124
Total Charges	21	238	396	278	231	44	196	455	365	247	11	177	307	380	315

	2013/14					2014/15					2015/16				
Violent Crime and Disorder (All locus types) Accused (age 17 years or less) Sobriety	Drugs	Drunk	Had Been Drinking	Not Known	Sober	Drugs	Drunk	Had Been Drinking	Not Known	Sober	Drugs	Drunk	Had Been Drinking	Not Known	Sober
Serious Assault	0	0	0	3	0	0	0	1	3	0	0	0	2	3	1
Common Assault	0	7	12	22	31	0	2	20	25	40	0	2	11	30	65
Assault (emergency worker)	2	4	2	2	1	2	2	9	1	3	0	0	5	1	1
Breach of the Peace	0	2	3	10	8	0	0	1	2	0	0	0	2	7	3
Urrinate/defecate	0	1	1	0	0	0	0	0	0	0	0	0	1	0	0
Threatening or abusive behaviour	4	14	20	19	15	1	8	24	22	35	2	9	11	17	24
Total Charges	6	28	38	56	55	3	12	55	53	78	2	11	32	58	94

The table below shows the total number of offences broken into Violent Crime and Disorder in the Clackmannan Area over a three year period that have occurred specifically in a licensed club or public house.

Licensed Premises (club or pub)	2013/14				2014/15				2015/16			
% of detected drunk or had been drinking	Total Charges	Detected Charges	Accused drunk or had been drinking	% accused drunk or had been drinking	Total Charges	Detected Charges	Accused drunk or had been drinking	% drunk or had been drinking	Total Charges	Detected Charges	Accused drunk or had been drinking	% drunk or had been drinking
Violent Crime	28	24	18	75.0	32	30	27	90.0	35	27	22	81.5
Disorder	19	18	14	77.8	10	9	8	88.9	7	6	6	100
Total Charges	47	42	32	76.2	42	39	35	89.7	42	33	28	84.8

The comparison shows similar figures year on year with a high percentage of the accused for both offences being under the influence of alcohol when the offence was committed.

The below table is broken into Charge Description. All of the charges are alcohol related and show the numbers for comparison over a three year period. The data also shows a comparison of those whereby the accused is aged 17yrs or less.

Charge Description	No. of Charges			Of which, accused aged 17 yrs or less		
	2013/14	2014/15	2015/16	2013/14	2014/15	2015/16
A person behaves in a disorderly manner and refuses/fails to leave premises on being asked	2	1	0	0	0	0
Consume alcohol in a designated place	2	0	0	0	0	0
Consume alcohol in a designated public place - Local Order	4	5	1	0	2	0
Consume alcohol in a designated public place - Local Order (assumption)	5	1	8	1	0	1
Consume alcohol public place - possession of open container	9	9	2	1	0	0
Drunk and incapable of taking care of himself/herself	2	0	0	0	0	0
Drunk & incapable	10	2	4	0	0	0
Found to be in possession of an open container containing alcoholic liquor	2	0	0	0	0	0
Sale of alcohol to a child or a young person	1	0	0	0	0	0
Sports ground - attempt to enter drunk	1	1	0	0	0	0
Consume or take away alcohol after being asked not to	0	0	2	0	0	0
Drunk in charge of a child	0	0	2	0	0	0
Total Charges	38	19	19	2	2	1

The data in this table show a significant decrease in the overall number of offences year on year from a total of 38 charges in 2013/14 to 1 in 2015/16. This likely reason for this is due to the different ways of disposal that are now available to us in 2016 that were not available to us in 2013/14 such fixed penalty notices, police warnings etc.

In addition to the crime data provided above, we also thought it would be useful to provide some information particularly related to the work completed over the last three years in licenced premises in the Clackmannan Area.

	2013/14	2014/15	2015/16
Number Formal and informal Interventions	7	1	0
Number of visits to licenced premises	63	111	73
Number of Test Purchase Operations conducted	0	6	6

**THIS PAPER RELATES TO
ITEM 07(i)
ON THE AGENDA**

CLACKMANNANSHIRE LICENSING BOARD

MEETING 24 January 2017 at 10.00am in

**The Council Offices Kilncraigs,
Greenside Street, Alloa, FK10 1EB**

Licensing (Scotland) Act 2005

Extended Hours Application

Premises	Applicant	Date of Event	Comments
Premier Bingo New Empire Bingo Ltd 52 Mill Street Alloa FK10 1DY	New Empire Bingo Limited 133 Fountainbridge Edinburgh EH3 9BA	28 January 2017	Application, LSO Report Letter (copies attached)



Clackmannanshire Council
www.clacksweb.org.uk

Memo

To: **The Clerk to the Licensing Board
Greenfield
Alloa
FK10 2AD**

From: **Paul Fair
Licensing Standards Officer**

Extension: **2091**

Email: **pfair@clacks.gov.uk**

Our Ref: **PF/LSO/EH/CC087**

Your Ref: **16/00801/EXTHRS**

Date: **19 December 2016**

Subject: **Licensing (Scotland) Act, 2005, Section 68
Report on Application for Extended Hours**

**Premier Bingo, 52 Mill Street, Alloa
Charity Fundraising Event – 28 January, 2017**

I refer to the above subject and have to report as follows :-

Section 69(1)(b) of The Licensing (Scotland) Act, 2005 requires that the Licensing Standards Officer for the area be notified of all Extended Hours Applications. Section 69(3) of the Act requires the licensing Standards Officer to submit a report setting out his comments on the application.

Having read the content of the application and having made such enquiry as necessary I would like to make the following comments:-

- 1 The application is self explanatory and I have no concerns in relation to the event or the application for extended hours.



Paul Fair

Licensing Standards Officer

Premier Bingo

<u>CLACKMANNANSHIRE</u> Licenses	DATE OF EVENT	28 JANUARY 2017
	LICENCE NO	16/00801/EXTHR
	TO POLICE & WEB	16/12/16 ✓

APPLICATION FOR EXTENDED HOURS
Licensing (Scotland) Act 2005, Section 68

ISO Report ✓
ON IDOX DT 2016

To:
June Andison
Licensing Administrator
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa
FK10 1EB

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.

APPLICANT INFORMATION

(An Application for Extended Hours can only be made by the Premises Licence Holder for a Special Event or Occasion to be Catered for on the Premises or for a Special Event of Local or National Significance)

Question 1

Name, Address, Postcode and Licence Number of Premises.

PREMIER BINGO NEW EMPIRE BINGO LTD 52 MILL STREET ALLOA FK10 1DY	
Premises Licence No.	CC/0087

Question 2

Full Name, Address, Postcode, Telephone Number and Email Address of the Current Licensee.

NEW EMPIRE BINGO LIMITED 133 FOUNTAINBRIDGE EDINBURGH EH3 9BA	
Personal Licence No. (if held)	6664

DETAILS OF SPECIAL EVENT OR OCCASION TO BE CATERED FOR ON THE PREMISES or OF SPECIAL EVENT OF LOCAL OR NATIONAL SIGNIFICANCE

Question 3

Brief Details of Special Event (Continue on Separate Sheet if Necessary)

CHARITY EVENING. WHICH WILL BE A BINGO SESSION FOLLOWED BY "STARS IN THEIR EYES" FUNDRAISING EVENT.

ALICE WANTS TO WALK.

Hours

Question 4

Please detail the current licensed hours of the premises.
(Detail hours for all days in which you are applying to extend)

Commencement Hour	Terminal Hour
11:00	23:00

Question 5

Please detail the proposed extended hours.

Commencement Hour	Terminal Hour
11:00	00:00 (MIDNIGHT)

Question 6

Please detail the proposed period during which the extended hours will apply
(Period must not exceed one month)

First Day/Date	Last Day/Date (if different from first day)
SATURDAY 28 TH JANUARY 2017	

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If Signing on Behalf of the Applicant Please State in What Capacity.

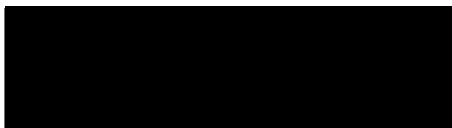
The Contents of This Application Are True to the Best of my Knowledge and Belief.

Signature * (See Note Below)

Date 5/12/16

Capacity.....General Manager.....Applicant/Agent

Telephone Number and Email Address of Signatory



*** 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	✓

