

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