

CLACKMANNANSHIRE LICENSING BOARD

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

PRESENT

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

IN ATTENDANCE

June Andison, Licensing Administrator
Andrew Crawford, Environmental Health Team Leader
Paul Fair, Licensing Standards Officer
Stuart McQueen, Solicitor, Depute Clerk to the Board

1.0 APOLOGIES

Apologies for absence were received from Councillor Les Sharp.

2.0 DECLARATIONS OF INTEREST

None

3.0 MINUTES OF MEETINGS

(i) Meeting held on Wednesday 23 November 2016

The minutes of the meeting of the Clackmannanshire Licensing Board held on Wednesday 23 November 2016 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Wednesday 23 November 2016 were agreed as a correct record and signed by the Chair.

(ii) Meeting held on Tuesday 29 November 2016

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 29 November 2016 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 29 November 2016 were agreed as a correct record and signed by the Chair.

(iii) Meeting held on Friday 6 January 2017

The minutes of the meeting of the Clackmannanshire Licensing Board held on Friday 6 January 2017 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Friday 6 January 2017 were agreed as a correct record and signed by the Chair.

4.0 LICENSING (SCOTLAND) ACT 2005

Agenda items 4(i) and 4(ii) had been granted under delegated powers and were put before the Board for information only. Items 4(i) and 4(ii) 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 Kenneth Earle. 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

An application 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 Kenneth Earle. Seconded by Councillor George Matchett, QPM.

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

5.0 HEARING IN RESPECT OF PERSONAL LICENCE– SECTION 84 OF THE LICENSING (SCOTLAND) ACT 2005

A report was submitted by the Depute Clerk of the Licensing Board. 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 made a finding that the holder of a Personal Licence, whilst working in the licenced premises specified, acted in a manner inconsistent with one of the licensing objectives, namely preventing crime and disorder. By virtue of section 84(7), Board members were to 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.

Attending

Personal Licence Holder
Personal Licence Holder's Representative

Motion

Having considered the information set out in both the report, the letter dated 9 January 2017, and having heard representation, and having had the opportunity to put questions, that the Board is satisfied that it is necessary for the purposes of the licensing objectives to make an order to endorse the Personal Licence.

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

Decision

Having considered the information set out in both the report and the letter dated 9 January 2017, and having heard the representation and having had the opportunity to put questions, the Board, being satisfied that it is necessary for the purposes of the licensing objectives, agreed unanimously to make an order to endorse the Personal Licence. The endorsement will remain on the Personal Licence for a period of five years.

Action

Clerk to the Board

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

The report, submitted by the Depute Clerk of the Licensing Board, provided the Board with an 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.

Attending

Chief Inspector Drew Sinclair, Police Scotland

Motion

That the Board note the additional information submitted.

Decision

The Board agreed to note the additional information submitted.

For future reports, the Board asked the Chief Inspector to provide additional information on the statistics relating to:

“Consuming alcohol in a public place” - to identify the number of incidents that have been reported by members of the public.

“Number of visits to licenced premises” - to clarify the number of visits that are related to Police Scotland's responsibilities under the Licensing (Scotland) Act 2005 and the number of visit that are as a result of a call to the premises.

Action

Chief Inspector Sinclair

7.0 LICENSING (SCOTLAND) ACT 2005 – EXTENDED HOURS APPLICATION

(i) Application for Extended Hours

Applicant: New Empire Bingo Limited, 33 Fountainbridge, Edinburgh, EH3 9BA
Venue: Premier Bingo, 52 Mill Street, Alloa, FK10 1DY
Event: Charity Evening – Saturday 28 January 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 extended hours.

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

Decision

Having considered all of the information presented to it, the Board granted the application for extended hours.

Action

Depute Clerk to the Licensing Board

8.0 AOCB

(i) LICENSING (SCOTLAND) ACT 2005 – OCCASIONAL LICENCE APPLICATION

Applicant: Craig Stewart, Oakwood Lounge, Fairfield Road, Sauchie
Venue: Alloa Town Hall, Marshill, Alloa
Event: Live Music Night – 3 February 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 (page 49) of the Licensing Standards Officer's report dated 17 January 2017.

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 for an occasional licence subject to the conditions set out in Appendix A (page 49) of the Licensing Standards Officer's report dated 17 January 2017, 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 trained staff 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 is to be taken into or consumed within the changing rooms, balcony, foyer, stairwells, upper landings or toilets.
- 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.
- 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

Ends 1040 hrs

