

CLACKMANNANSHIRE LICENSING BOARD

MINUTE OF MEETING of the **CLACKMANNANSHIRE LICENSING BOARD** held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on **TUESDAY 20 JUNE 2017** at 9.30 am.

PRESENT

Councillor Martha Benny
Councillor Dave Clark
Councillor Archie Drummond
Councillor Kenneth Earle
Councillor Les Sharp

IN ATTENDANCE

June Andison, Licensing Administrator
Andrew Crawford, Team Leader (Environmental Health and Licensing)
Paul Fair, Licensing Standards Officer
Stuart McQueen, Solicitor, Depute Clerk to the Board
Margaret Summers, Committee Services

The Depute Clerk to the Board took the Chair at the commencement of the meeting and outlined the requirement for the Board to elect a Convenor from among its members as the first substantive business to be transacted at the first meeting of the Licensing Board after an ordinary election. In terms of Paragraph 6 of Schedule 1 to the 2005 Act the election of a Convenor is required at the first Board meeting following the nomination of Members by Council.

ELECTION OF CONVENOR

Having outlined procedures for the election of a Convenor, the Depute Clerk invited nominations.

Councillor Les Sharp, seconded by Councillor Archie Drummond, moved that the Board elects a Convenor for today's meeting only, to allow the full Board opportunity to elect a Convenor.

Councillor Dave Clark, seconded by Councillor Martha Benny, submitted a counter proposal that the Board elects a Convenor for the full term of the Licensing Board.

There were 2 votes for the proposal to elect a temporary Convenor and 3 votes for the counter proposal to elect a Convenor for the full term of the Licensing Board.

Accordingly, on a division of 3 votes to 2, the Board agreed to elect a Convenor for the full term of the Licensing Board.

The Depute Clerk again invited nominations for the election of a Convenor.

Councillor Dave Clark nominated Councillor Kenneth Earle as Convenor of Clackmannanshire Licensing Board, seconded by Councillor Martha Benny.

Decision

As there were no other nominations, Councillor Kenneth Earle was duly elected as Convenor of Clackmannanshire Licensing Board.

Councillor Earle accepted the nomination and took the Chair for the remainder of the meeting.

ELECTION OF VICE CONVENOR

The Board agreed to defer the election of a Vice Convenor to a future meeting.

1.0 APOLOGIES

Apologies for absence were received from Councillor Mike Watson.

Councillors Holden, Matchett and Murphy were ineligible to sit on the current Board.

2.0 DECLARATIONS OF INTEREST

None.

3.0 MINUTES OF MEETINGS: CLACKMANNANSHIRE LICENSING BOARD

(i) Minutes of Meeting: Licensing Board Tuesday 25 April 2017

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 25 April 2017 were submitted for approval.

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

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 25 April 2017 were agreed as a correct record and signed by the Convenor.

(ii) Minutes of Meeting: Licensing Board Thursday 27 April 2017

The minutes of the meeting of the Clackmannanshire Licensing Board held on Thursday 27 April 2017 were submitted for approval.

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

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Thursday 27 April 2017 were agreed as a correct record and signed by the Convenor.

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 Licence – 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 Les Sharp.

Decision/

Decision

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 numbered 1-7 (inclusive) for variation of licence (Minor) 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 Les Sharp.

Decision

The Board agreed to note that the applications numbered 1-7 (inclusive) for a minor variation which had attracted no objections or representations had been granted under delegated powers.

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

A list of applications numbered 1-2 (inclusive) for 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 Kenneth Earle. Seconded by Councillor Les Sharp.

Decision

The Board agreed to note that the applications numbered 1-2 (inclusive) for a transfer or premises licence which had attracted no objections or representations had been granted under delegated powers.

5.0 LICENSING (SCOTLAND) ACT 2005 – OCCASIONAL LICENCE APPLICATION

(i) Application for Occasional Licence – 1 July 2017

Applicant: Vincent Coyle,
Premises: Alloa Town Hall, Marshill, Alloa, FK10 1AB
Event: MMS/Kickboxing Event

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 25) of the Licensing Standards Officer's report dated 16 May 2017.

Moved by Councillor Les Sharp. Seconded by Councillor Martha Benny..

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 25) of the Licensing Standards Officer's report dated 16 May 2017, 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 8 SIA Licensed Stewards must be on duty to control entry to the premises, to monitor any areas 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.
- 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 72 hours 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

6.0 LICENSING (SCOTLAND) ACT 2005: EXTENDED HOURS APPLICATIONS

(i) Application for Extended Hours

Applicant: Dunmar Limited, Dunmar Drive, Alloa, FK10 2EN

Premises: Dunmar House Hotel, Dunmar Drive, Alloa, FK10 2EN

Event: Wedding Celebration – 25 June 2017

Attending

Mr Paul Fair, Licensing Standards Officer

The Applicant did not attend

An application for extended hours, which had attracted no objection or representation together with the Licensing Standards Officer's report in terms of Section 69(3), was put before the Board for determination.

The application sought to extend the terminal hour on Sunday 25 June 2017 from midnight to the later time of 0100 hours.

Motion

Having considered the content of the application and taken into account the Licensing Standards Officer's report dated 19 May 2017, that the Board grants the application for extended hours.

Moved by Councillor Les Sharp. Seconded by Councillor Dave Clark.

Decision

Having considered the content of the application and taken into account the Licensing Standards Officer's report dated 19 May 2017, the Board agreed unanimously to grant the application for extended hours.

Action

Depute Clerk to the Board

(ii) Application for Extended Hours

Applicant: Dunmar Limited, Dunmar Drive, Alloa, FK10 2EN

Premises: Dunmar House Hotel, Dunmar Drive, Alloa, FK10 2EN

Event: Wedding Celebration – 6 August 2017

Attending

Mr Paul Fair, Licensing Standards Officer

The Applicant did not attend

An application for extended hours, which had attracted no objection or representation together with the Licensing Standards Officer's report in terms of Section 69(3), was put before the Board for determination.

The application sought to extend the terminal hour on Sunday 6 August 2017 from midnight to the later time of 0100 hours.

Motion

Having considered the content of the application and taken into account the Licensing Standards Officer's report dated 19 May 2017, that the Board grants the application for extended hours.

Moved by Councillor Les Sharp. Seconded by Councillor Dave Clark.

Decision

Having considered the content of the application and taken into account the Licensing Standards Officer's report dated 19 May 2017, the Board agreed unanimously to grant the application for extended hours.

Action

Depute Clerk to the Board

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

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

Premises: Nisa Local, 7-9 Hill Street, Tillicoultry, FK13 6HF

Applicant: Eros Retail Ltd, c/o TLT Solicitors, 140 West George Street, Glasgow G2 2HG

Attending

Mr Paul Fair, Licensing Standards Officer

Mr Michael Stewart, TLT Solicitors (Representing the Applicant)

Mr Harris Aslam, Applicant (from 1010 hrs)

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 increase the capacity of the alcohol display area from 47.29 sq.m to 59.7 sq.m.

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 for a variation to the premises licence.

Moved by Councillor Archie Drummond. Seconded by Councillor Les Sharp.

Voting

For the Motion 4 votes

Against the Motion 1 vote

Decision

Having considered all of the information presented to it and having determined that no grounds for refusal apply, the Board agreed on a division of 4 votes to 1 to grant the application for a variation to the premises licence.

Action

Depute Clerk to the Board

8.0 AOCB

(i) Statement of Gambling Policy/Statement of Licensing Policy

The Depute Clerk advised that a number of reports would be submitted to the next meeting of the Licensing Board. Details in respect of the Board's Statement of Gambling Policy which has now undergone the statutory consultation process will be issued to Board members in due course.

The Board agreed to establish a short term working group to consider its policy statements.

Action

Depute Clerk to the Board

Ends 1015 hrs