

CLACKMANNANSHIRE LICENSING BOARD

MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on TUESDAY 15 AUGUST 2017 at 9.30 am.

PRESENT

Councillor Kenneth Earle, Convenor (In the Chair)
Councillor Martha Benny
Councillor Craig Holden
Councillor Les Sharp

IN ATTENDANCE

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

Sgt Marie White, Police Scotland, Forth Valley Division (representing the Chief Constable)
(Observer)

The Depute Clerk advised that while the quorum for the Licensing Board by virtue of Schedule 1 paragraph 12(1) of the Licensing (Scotland) Act 2005 is 5 members, 2 members are currently ineligible to sit on the Board and, as such, today's meeting was quorate with 4 members present.

1.0 APOLOGIES

Apologies for absence were received from Councillor Dave Clark, Councillor Archie Drummond and Councillor Mike Watson.

2.0 DECLARATIONS OF INTEREST

None.

3.0 MINUTES OF MEETING: 20 JUNE 2017

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 20 June 2017 were submitted for approval.

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

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 20 June 2017 were agreed as a correct record and signed by the Convenor.

4.0 ELECTION OF VICE CONVENOR OF CLACKMANNANSHIRE LICENSING BOARD

The Convenor invited nominations for the election of Vice Convenor of Clackmannanshire Licensing Board.

Councillor Martha Benny nominated Councillor Mike Watson as Vice Convenor of Clackmannanshire Licensing Board, seconded by Councillor Kenneth Earle.

Decision

As there were no other nominations, Councillor Mike Watson was duly elected as Vice Convenor of Clackmannanshire Licensing Board.

5.0 LICENSING (SCOTLAND) ACT 2005

Agenda items 5(i), 5(ii) and 5(iii) had been granted under delegated powers and were put before the Board for information only. Items 5(i), 5(ii) and 5(iii) were, therefore, considered together as one item.

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

A list of personal licence applications numbered 1-6 (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

The Board agreed to note that Personal Licence Applications numbered 1-6 (inclusive) had been granted under delegated powers.

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

A list of applications numbered 1-2 (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 1-2 (inclusive) for a minor variation 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 the transfer of a premises licence which had attracted no objections or representations 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 the application for a transfer of premises licence which had attracted no objections or representations had been granted under delegated powers.

6.0 LICENSING (SCOTLAND) ACT 2005 – VARIATIONS (NON MINOR)

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

Premises: Bar Aldo, 9-11 Coalgate, Alloa, FK10 1EH

Applicant: Aldo Pia,

Attending

Mr Paul Fair, Licensing Standards Officer

The applicant did not attend.

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

The application sought to make two changes to the operation of the business with an additional activity added to part 5(f) of the Operating Plan to include take away and home delivery of hot food and alcohol and consent to sell alcohol for consumption off 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 for a variation to the premises licence subject to an additional condition that the delivery of alcohol can only be undertaken along with the delivery of a take away meal.

Moved by Councillor Martha Benny. Seconded by Councillor Craig Holden.

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 for a variation to the premises licence subject to an additional condition that the delivery of alcohol can only be undertaken along with the delivery of a take away meal.

Action

Depute Clerk to the Board

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

Premises: The Inn, 23/31 Main Street, Tullibody, FK10 2PY

Applicant: Marie Beattie Shields,

Attending

Mr Paul Fair, Licensing Standards Officer

Ms Tracey Baxter, On behalf of the Applicant

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

The application sought to make one change to the operation of the business with an additional activity added to part 5(f) of the Operating Plan to include take away meals as ancillary to bar meals.

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 Craig Holden. Seconded by Councillor Martha Benny.

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 for a variation to the premises licence.

Action

Depute Clerk to the Board

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

Premises: Alloa Rugby Football Club, Earlsfield, Alloa, FK10 1QW

Applicant: Alloa Rugby Football Club, Earlsfield, Alloa, FK10 1QW

Attending

Mr Paul Fair, Licensing Standards Officer

The Applicant did not attend

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

The application sought to make four changes to the operation of the business:

- (i) The inclusion of an outdoor drinking area adjacent to the club
- (ii) Alterations to the terms of access for children and young persons
- (iii) Variation to core hours to allow earlier Sunday opening
- (iv) Permission to make sales of alcohol for consumption off 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 for a variation to the premises licence subject to standard conditions related to outdoor drinking areas.

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

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 for a variation to the premises licence subject to standard conditions related to outdoor drinking areas.

Action

Depute Clerk to the Board

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

Premises: Claremont Lodge Hotel, Kellie Place, Alloa, FK10 2DW

Applicant: Warren Knowles,

Attending

Mr Paul Fair, Licensing Standards Officer

Mr Warren Knowles, Applicant

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

The application sought to make three changes to the operation of the business:

- (i) Amendments to the terms of access for children and young persons.
- (ii) Variation to the core hours to allow Sunday opening from 11.00am
- (iii) Changes to the layout of the premises as per the new layout plan.

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 Les Sharp. Seconded by Councillor Martha Benny.

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 for a variation to the premises licence.

Action

Depute Clerk to the Board

7.0 LICENSING (SCOTLAND) ACT 2005 – OCCASIONAL LICENCE APPLICATIONS

(i) Application for Occasional Licence – 26 August 2017

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

Premises: Cochrane Hall, West Stirling Street, Alva, FK12 5LJ

Event: 18th Birthday Party – 26 August 2017

Attending

Mr 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 105) of the Licensing Standards Officer's report dated 3 August 2017.

Moved by Councillor Craig Holden. Seconded by Councillor Les Sharp.

Decision/

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 105) of the Licensing Standards Officer's report dated 3 August 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.
- 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 9.00pm and before 10.00am 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

(ii) Application for Occasional Licence – 9 September 2017

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

Premises: Sauchie Hall, Mar Place, Sauchie, FK10 3DY

Event: 18th Birthday Party – 9 September 2017

Attending

Mr 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 113) of the Licensing Standards Officer's report dated 3 August 2017.

Moved by Councillor Craig Holden. 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 113) of the Licensing Standards Officer's report dated 3 August 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.
- 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 9.00pm and before 10.00am 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

8.0 LICENSING (SCOTLAND) ACT 2005 – EXTENDED HOURS APPLICATION

(i) Application for Extended Hours

Applicant: R&C Black, Volunteer Arms, 132 High Street, Tillicoultry, FK13 6DU

Premises: Volunteer Arms, 132 High Street, Tillicoultry, FK13 6DU

Event: 21st Birthday Party – 10 September 2017

Attending

Mr Paul Fair, Licensing Standards Officer

Mr John Black, Applicant

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 (1.00am) at the premises by 1 additional hour until 2.00am to facilitate a 21st Birthday Party for family, friends and regular customers.

Motion

Having considered the content of the application and taken into account the Licensing Standards Officer's report dated 30 July 2017, that the Board grants the application for extended hours.

Moved by Councillor Les Sharp. Seconded by Councillor Craig Holden.

Decision

Having considered the content of the application and having taken into account the Licensing Standards Officer's report dated 30 July 2017, the Board agreed unanimously to grant the application for extended hours.

Action

Depute Clerk to the Board

9.0 DELEGATION ARRANGEMENTS

A report which sought the Board's authority of the delegation arrangements for dealing with various licence applications in terms of the Licensing (Scotland) Act 2005 was submitted by the Depute Clerk to the Licensing Board.

Paragraph 10 of Schedule 1 to the Licensing (Scotland) Act 2005 gives the Board the authority to delegate to the Clerk the power to exercise on behalf of the Board any of the Board's functions other than those specifically reserved to it.

Motion

That the Board agrees the recommendations set out in the report.

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

Decision

The Board agreed unanimously to approve the following delegations to the Clerk of the Board, with the power to the Clerk to arrange for the discharge of the specified functions by a Depute Clerk or the Licensing Administrator as the Clerk deems appropriate.

- (a) Grant of applications for minor variations.
- (b) Grant of applications for the transfer of a premises licence falling within paragraph 4.2 of the report.
- (c) Grant and refusal of applications for personal licences falling within paragraph 4.3 of the report.
- (d) Grant of applications for occasional licences falling within paragraph 4.4 of the report.
- (e) Grant of extended hours applications falling within paragraph 4.5 of the report.
- (f) Grant of confirmation of provisional licences falling within paragraph 4.6 of the report.
- (g) For the purposes of premises licence review hearings to
 - (i) Determine whether the application is not vexatious or frivolous and sets out matters relevant to a ground for review.
 - (ii) Obtain further information from such persons and in such manner as the Clerk or Depute Clerk thinks fit; and
 - (iii) Request the attendance of any person at a review hearing for the purpose of providing information, and the production at a review hearing by any person of any document in that person's possession or under that person's control, as described at paragraph 4.7 of the report.

- (h) Grant of a shortened period of notice in respect of an occasional licence application as provided in s57(4) of the 2005 Act, and the grant of relief generally where the requirements of s135 of the 2005 Act are met, both as described in paragraph 4.8 of the report.

Action

Depute Clerk to the Board

10.0 STATEMENT OF POLICY – GAMBLING ACT 2005

A report which sought approval of the Gambling Act 2005 Statement of Policy in respect of the period 2016 to 2019 was submitted by the Depute Clerk to the Licensing Board.

Motion

That the Board agrees the recommendations set out in the report.

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

Decision

The Licensing Board agreed unanimously to:

- (i) Approve the Gambling Act 2005 Statement of Policy in respect of the period 2016 to 2019 as appended to the report.
- (ii) Approve the delegation of all functions of the Board under the Gambling Act 2005 to the Clerk, except where decision making is expressly reserved to the Board or delegation is prohibited by the Gambling Act 2005.

Action

Depute Clerk to the Board

11.0 ANNUAL LICENSING BOARD INCOME AND EXPENDITURE REPORT 2016/17

A report which invited the Licensing Board to approve the Annual Report of Income and Expenditure for the financial year 2016/17 was submitted by the Depute Clerk to the Board.

The Licensing Board has a duty to produce an annual income and expenditure report on their annual licensing activities. An updated Financial Report for the Year Ended 31 March 2017 was issued to the Board on 14 August 2017.

Motion

That the Board approves the updated Annual Report of Income and Expenditure for the financial year 2016/17.

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

Decision

The Licensing Board agreed unanimously to approve the updated Annual Report of Income and Expenditure for the financial year 2016/17.

Action

Depute Clerk to the Board

12.0 AOCB

None

Ends 1016 hrs