



**MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on TUESDAY 26 SEPTEMBER 2017 at 9.30 am.**

**PRESENT**

Councillor Kenneth Earle, Convenor (In the Chair)  
Councillor Martha Benny  
Councillor Dave Clark  
Councillor Archie Drummond  
Councillor George Matchett, QPM  
Councillor Tina Murphy

**IN ATTENDANCE**

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

Chief Inspector Drew Sinclair, Police Scotland  
Claire McKenzie, Police Scotland (Licensing Officer)

**1.0 APOLOGIES**

Apologies for absence were received from Councillor Mike Watson, Councillor Craig Holden and Councillor Les Sharp.

**2.0 DECLARATIONS OF INTEREST**

None

**3.0 MINUTES OF MEETING: CLACKMANNANSHIRE LICENSING BOARD:  
15 AUGUST 2017**

The minutes of the meeting of the Clackmannanshire licensing Board held on Tuesday 15 August 2017 were submitted for approval.

Moved by Councillor Martha Benny. Seconded by Councillor Kenneth Earle.

**Decision**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 15 August 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 George Matchett, QPM. Seconded by Councillor Martha Benny.

**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 1-5 (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 George Matchett, QPM. Seconded by Councillor Martha Benny.

**Decision**

The Board agreed to note that the applications numbered 1-5 (inclusive) for variation of licence (minor) 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 1-3 (inclusive) for the transfer of 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 George Matchett, QPM. Seconded by Councillor Martha Benny.

**Decision**

The Board agreed to note that the applications numbered 1-3 for the transfer of premises licence which had attracted no objections or representations had been granted under delegated powers.

**5.0 LICENSING (SCOTLAND) ACT 2005**

**(i) Application for Premises Licence (Off Sales)**

**Premises:** Muirside Stores, 2 Finglen Crescent, Tullibody, FK10 3GP

**Applicant:** Mohammad Tariq Shafique, c/o Inn Business (Scotland) Ltd, Forsyth House  
Lomond Court, The Castle Business Park, Stirling, FK9 4TU

An application for the grant of a Premises Licence (Off Sales), which had attracted no objections or representations was put before the Board for determination.

**Attending**

Mr Mohammad Tariq Shafique, Applicant

Mr Jamie McLean, Macgregor Thomson Limited (representing the Applicant)

## **Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for a Premises Licence (Off Sales).

Moved by Councillor George Matchett, QPM. Seconded by Councillor Tina Murphy.

## **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 a Premises Licence (Off Sales).

## **Action**

Depute Clerk to the Board

## **6.0 LICENSING (SCOTLAND) ACT 2005 – VARIATION (NON-MINOR)**

### **(i) Application for Variation of Licence (Non Minor)**

**Premises:** The View Bar and Restaurant, Ochilview Terrace, Fishcross, FK10 3HT

**Applicant:** Iona Pub Partnership, 70 Hamilton Drive, Glasgow, G12 8DR

### **Attending**

Mr Paul Fair, Licensing Standards Officer

Mr Kieran Ure, Designated Premises Manager, The View Bar and Restaurant

Mr Alan Sayers, Business Development Manager, Iona Pub Partnership

An application for a variation of licence (non-minor) which had attracted representation from the Licensing Standards Officer in terms of Section 22 of the Licensing (Scotland) Act 2005 in relation to the application for a non minor variation of a premises licence was put before the Board for determination.

The application sought to make three changes to the operation of the business; (1) amendments to the terms of access for children and young persons (2) variation to core hours to allow on sales from 11.00 am on a Sunday and (3) variation to core hours to allow off sales from 11.00 am on a Sunday.

## **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 the local conditions relating to children and young persons as set out in Appendix A (page 41) of the Licensing Standards Officer's report dated 29 August 2017.

Moved by Councillor George Matchett, QPM. Seconded by Councillor Dave Clark.

## **Decision**

Having considered all of the information presented to it and having determined that no grounds for refusal apply, the Board agreed to grant the application for a variation to the premises licence subject to the local conditions relating to children and young persons as set out in Appendix A (page 41) of the Licensing Standards Officer's report dated 29 August 2017, namely:

- Only bona fide pre-booked family type celebrations or events where both food and family entertainment is available will be deemed to be events suitable for the attendance of children and young persons.

- Pre-booked events must be recorded in an events diary kept on the premises. Any such diary should be kept on the premises at all times and be available for inspection by the Police and Licensing Standards Officer at any time when the premises are open.
- When persons under the age of 18 are expected to attend a pre-booked event the 'Events Diary' must contain the following information:
  - Date of event
  - Date of booking
  - Contact details and name of the event organiser
  - The nature of the event and an indication that children and young persons will be in attendance.
- Children and Young Persons will not be permitted to remain on the premises at any time when any significant activity taking place on the premises involves gambling – such as poker or bingo.

#### **Action**

Depute Clerk to the Board

### **7.0 LICENSING (SCOTLAND) ACT 2005 – OCCASIONAL LICENCE APPLICATIONS**

#### **(i) Application for Occasional Licence – 30 September 2017**

**Applicant:** Kelly Whyte,

**Premises:** Alloa Town Hall, Marshall, Alloa, FK10 1AB

**Event:** Alloa Amateur Boxing Club

#### **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 63) of the Licensing Standards Officer's report dated 24 August 2017.

Moved by Councillor George Matchett, QPM. Seconded by Councillor Dave Clark.

#### **Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed on a division of 3 votes to 0, to grant the application subject to the conditions set out in Appendix A (page 63) of the Licensing Standards Officer's report dated 24 August 2017, namely:

- All alcohol and other drinks must be sold in or supplied to the customer in, or decanted into, plastic or polycarbonate bottles and drinking vessels. No glass or metal containers are to be given to the customer.
- Only alcohol sold at the event by the licensee can be consumed at the event.
- A minimum of 5 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, in particular to monitor the wellbeing of children and young persons in the balcony area.

- At all times at least one SIA Licensed Steward will be responsible for monitoring the balcony area to ensure that no alcohol is taken into this 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 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. Trained Staff means staff trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations 2007.
- Any music or other entertainment must cease at no later than 15 minutes prior to the end of licensed hours.
- Except when competing in a boxing match, all children and young persons must remain in the company of an adult over the age of 18 years of age and must remain in either the changing rooms or in the upper balcony area for the duration of the event.
- No alcohol is to be taken into or consumed within the changing rooms, balcony, foyer, stairwells, upper landings or toilets.
- Full particulars (name, date of birth and SIA badge no) of the SIA Stewards to be employed at the event will be provided in writing to the Licensing Standards Officer at least 48 hours prior to the event.

#### **Action**

Depute Clerk to the Board

#### **(ii) Application for Occasional Licence – 20 October 2017**

**Applicant:** Craig Stewart,

**Premises:** Alloa Town Hall, Marshall, Alloa, FK10 1AB

**Event:** Band Night

#### **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 75) of the Licensing Standards Officer's report dated 24 August 2017.

Moved by Councillor George Matchett, QPM. Seconded by Councillor Archie Drummond.

#### **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 75) of the Licensing Standards Officer's report dated 24 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.
- Ten 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 and leaving 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 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.
- Full particulars (Name, date of birth and SIA badge no) of the SIA Stewards to be employed at the event will be provided in writing to the Licensing Standards Officer at least 48 hours prior to the event.

#### **Action**

Depute Clerk to the Board

#### **(iii) Application for Occasional Licence – 1 December 2017**

**Applicant:** Sam Allan,

**Premises:** Alloa Town Hall, Marshall, Alloa, FK10 1AB

**Event:** Ultra White Collar Boxing Event

#### **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 83) of the Licensing Standards Officer's report dated 8 September 2017 and subject to alternate condition 1.

Moved by Councillor George Matchett, QPM. Seconded by Councillor Martha Benny.

#### **Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed to grant the application subject to the conditions set out in Appendix A (page 83) of the Licensing Standards Officer's report dated 8 September 2017 and subject to alternate condition 1, 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 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 8 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.
- 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/event organiser 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.
- 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. Trained Staff means staff trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations 2007.
- 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 full list of SIA Stewards working at the event will be supplied to the Licensing Standards Officer at least 72 hours prior to the event. The list should include the full name of the Stewards and their SIA badge number.

#### **Action**

Depute Clerk to the Board

### **8.0 GENERAL PERMITTED EXTENSION – FESTIVE PERIOD 2017-18**

A report was submitted by the Depute Clerk to the Licensing Board the purpose of which was to enable the Licensing Board to consider whether, and to what extent, a general extension of the licensing hours be allowed to cover the Festive Period 2017-18.

#### **Motion**

Having considered the information submitted, that the Board grants a general extension of licensed hours in the terms set out in the report.

Moved by Councillor George Matchett, QPM. Seconded by Councillor Dave Clark.

### **Decision**

Having considered the information submitted, the Board agreed unanimously to grant a general extension of licensed hours in the following terms:

- (i) Each licensed premises licensed to sell alcohol on the premises within the local government area of Clackmannanshire shall be entitled to an additional 1 hour extension to the terminal hour as set out on their operating plan during the festive period.
- (ii) Notwithstanding the above permitted extension, no licensed premises shall be permitted to an extra hour of trade where, as a result of the extension, licensed hours would be extended beyond 2.00 am on the day in question; and
- (iii) The general extension set out in paragraph (i) (above) shall apply for the period 15 December 2017 to 2 January 2018, being the festive period as determined by the Board.
- (iv) As Christmas Eve and New Year's Eve occur on a Sunday, premises licensed to sell alcohol on the premises shall be entitled to an additional extension of the permitted hours during which alcohol may be sold on the premises until, but not beyond, 2.00am on the day following.

### **Action**

Depute Clerk to the Board

## **9.0 POLICE SCOTLAND: CHIEF CONSTABLE'S REPORT TO THE CLACKMANNANSHIRE LICENSING BOARD FOR THE PERIOD 1 APRIL 2016 TO 31 MARCH 2017**

### **Attending**

Chief Inspector Drew Sinclair, Police Scotland (representing the Chief Constable).  
Claire McKenzie, Police Scotland (Licensing Officer)

Members of the Clackmannanshire Local Licensing Forum were in attendance at this meeting to hear the presentation given by Chief Inspector Sinclair on the Chief Constable's report to the Clackmannanshire Licensing Board. The Chief Constable's report was included in the agenda for the joint Board/Forum meeting directly following the meeting of the Licensing Board and this allowed opportunity for Board and Forum members to hear a single presentation.

The Licensing Board heard a presentation by Chief Inspector Drew Sinclair on the Chief Constable's report and had opportunity to put questions to Chief Inspector Sinclair.

Having commented on and challenged the report as appropriate and having had opportunity for questions, the Board agreed to note the information provided in the Chief Constable's Report to the Clackmannanshire Licensing Board for the period 1 April 2016 to 31 March 2017.

## **10.0 AOCB**

As there was no further business for the Licensing Board, the Convenor brought the meeting to a close at 1045 hrs.



Clackmannanshire Local Licensing Forum members then joined the Clackmannanshire Licensing Board Members for a joint meeting of the Board and Forum. The joint meeting started at 1100 hrs.

Ends 1045 hrs

