



MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on TUESDAY 27 FEBRUARY 2018 at 9.30 am.

PRESENT

Councillor Kenneth Earle, (Chair)
Councillor Martha Benny
Councillor Dave Clark
Councillor George Matchett, QPM
Councillor Tina Murphy
Councillor Les Sharp

IN ATTENDANCE

Anne McPherson, Administration Assistant (Licensing)
Paul Fair, Licensing Standards Officer
Lindsay Thomson, Service Manager, Legal and Democracy (Clerk to the Board)
Melanie Moore, Committee Services

1.0 APOLOGIES

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

2.0 DECLARATIONS OF INTEREST

None

**3.0 MINUTES OF MEETING: CLACKMANNANSHIRE LICENSING BOARD:
23 JANUARY 2018**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 23 January 2018 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 23 January 2018 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 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.

Decision

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

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

A list of applications numbered 1-2 (inclusive) for variation of licence (minor) which has attracted no objections or representations and had been granted under delegated powers was put before the Board for information only.

Decision

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

Moved by Councillor Les Sharp. Seconded by Councillor George Matchett, QPM.

5.0 LICENSING (SCOTLAND) ACT 2005

The order of business was rearranged by the chair at this point in the proceedings to facilitate the applicant for 5(ii) who was in attendance. The chair determined to take 5(ii) first and 5(i) second.

(ii) Clackmannanshire Licensing Board Hearing to consider revocation, suspension of endorsement of Personal Licence Number granted by Clackmannanshire Licensing Board

Attending

, Appellant
PC Gordon Hutchison, Police Scotland
Mr Paul Fair, Licensing Standards Officer

A hearing in terms of Section 83(9) of the Licensing (Scotland) Act 2005 was held to revoke, suspend or endorse Personal Licence Number granted by Clackmannanshire Licensing Board .

A letter from Police Scotland dated 28 December 2017 was made available to the Board. The letter intimated that Police Scotland recommends that the Personal Licence for be revoked.

The Board heard representation from the Licensing Standards Officer, the appellant and Police Scotland and had opportunity to put questions to all parties.

Motion

Having considered all of the information presented to it and representations made, the Board revokes the Personal Licence

Moved by Councillor George Matchett, QPM. No seconder. – motion falls.

Counter Motion

A counter-motion was proposed by Councillor Les Sharp that the Personal licence is endorsed.

Moved by Councillor Les Sharp. Seconded by Tina Murphy.

Vote

For the counter-motion to endorse personal licence 5 votes

Against the counter motion to endorse personal licence 1 vote

The counter motion to endorse Personal Licence Number _____ was carried on a division of 5 votes to 1.

Decision

Having considered all of the information presented to it and representations made the Board endorse the Personal Licence

Action

Clerk to the Board

5.0 LICENSING (SCOTLAND) ACT 2005

(i) Clackmannanshire Licensing Board Hearing to consider revocation, suspension of endorsement of Personal Licence Number _____ granted by Clackmannanshire Licensing Board to

Attending

The Appellant did not attend

PC Gordon Hutchison, Police Scotland

Mr Paul Fair, Licensing Standards Officer

A hearing in terms of Section 83(9) of the Licensing (Scotland) Act 2005 was held to revoke, suspend or endorse Personal Licence Number _____ granted by Clackmannanshire Licensing Board to

A letter from Police Scotland dated 17 January 2018 was made available to the Board. The letter intimated that Police Scotland recommends that the Personal Licence for _____ be revoked.

The Board heard representation from the Licensing Standards Officer and Police Scotland and had opportunity to put questions to both parties.

The meeting was adjourned at 1025 hours for the Licensing Standards Officer to contact the applicant by telephone to confirm if the applicant will be attending the hearing. The meeting resumed at 1035 hours and the Licensing Standards Officer confirmed that he got no answer from the appellant. The Board decided to proceed without the applicant in attendance.

Motion

Having considered all of the information presented to it and representations made the Board revokes the Personal Licence

Moved by Councillor George Matchett, QPM. Seconded by Councillor Les Sharp.

Decision

Having considered all of the information presented to it and representations made the Board revoke the Personal Licence

Action

Clerk to the Board

6.0 LICENSING (SCOTLAND) ACT 2005 – OCCASIONAL LICENCE APPLICATIONS

The Board decided that Items 6(i), 6(ii) and 6 (ii) were from the same premises and therefore, should be considered together.

(i) Application for Occasional Licence – 24 March 2018

Applicant: Craig Stewart, The Royal Oak, 7 Bedford Place, Alloa

Premises: Alloa Town Hall, Marshill, Alloa, FK10 1AB

Event: Live Music Night – 24 March 2018

(ii) Application for Occasional Licence – 30 March 2018

Applicant: Craig Stewart, The Royal Oak, 7 Bedford Place, Alloa

Premises: Alloa Town Hall, Marshill, Alloa, FK10 1AB

Event: Live Music Night – 30 March 2018

(iii) Application for Occasional Licence – 31 March 2018

Applicant: Gregory McMullan, The Royal Oak, 7 Bedford Place, Alloa

Premises: Devonvale Hall, Moss Road, Tillicoultry

Event: Music Night – 31 March 2018

Attending

Mr Paul Fair, Licensing Standards Officer

The applicants did not attend.

Motion

Having considered all of the information presented to it the Board grants the application for all three occasional licences subject to the conditions set out in Appendix A (pages 27, 37 and 45 respectively) of the Licensing Standards Officer's report dated 15 February 2018.

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 (pages 27, 37 and 45) of the Licensing Standards Officer's report dated 15 February 2018, 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 license 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 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 licenced 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 9pm and before 10 am 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 Board Standards Officer at least 48 hours prior to the event.

Action

Clerk to the Board

7.0 AOCB

None.

Ends 1040 hrs