



MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held via MS TEAMS on THURSDAY 11 JUNE 2020 at 10.00 am.

Prior to the start of the meeting, the Chair confirmed with the Board that the meeting was being held via video conferencing as the meeting could not be held in person due to Coronavirus. He also confirmed that everyone involved in the items before the Board had been given the opportunity to be represented at the meeting.

The Chair set out the protocol for the meeting and invited the Clerk to take a roll call of members present.

PRESENT

Councillor Kenneth Earle (Convenor)
Councillor Martha Benny
Councillor Dave Clark
Councillor Helen Lewis
Councillor George Matchett, QPM
Councillor Les Sharp
Councillor Mike Watson

IN ATTENDANCE

June Andison, Licensing Administrator
Lindsay Thomson, Senior Service Manager, Partnership & Performance (Clerk to the Board)
Gillian White, Committee Services

1.0 APOLOGIES

Apologies were received from Councillor Tina Murphy.

2.0 DECLARATIONS OF INTEREST

None

3.0 MINUTES OF MEETING OF CLACKMANNANSHIRE LICENSING BOARD HELD ON 25 FEBRUARY 2020

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 25 February 2020 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 25 February 2020 were agreed as a correct record and signed by the Convenor.

4.0 LICENSING (SCOTLAND) ACT 2005

(i) Hearing to Consider a Premises Licence Review Proposal in respect of the Premises Licence for the premises known as the Royal Oak Hotel, 7 Bedford Place, Alloa, FK10 1LJ

A review hearing in terms of Section 38 of the Licensing (Scotland) Act 2005 was held to consider and determine a Premises Licence Review Proposal in respect of the Premises Licence for the Royal Oak Hotel, 7 Bedford Place, Alloa, FK10 1LJ, held by Mr Alan Bradie. Review of the licence was sought on the grounds specified in **Section 36(3) (b)** relevant to one or more of the licensing objectives as articulated at Section 4(1) of the 2005 Act, namely:

- Protecting and Improving Public Health

Attending

Sergeant Derek Simpson, Police Scotland

Mr Paul Fair, Licensing Standards Officer (LSO)

Ms Janet Hood, Solicitor representing Mr Alan Bradie, Royal Oak (Mr Bradie was not in attendance)

The Board heard representation from the Sergeant Simpson; Mr Fair, Licensing Standards Officer; and Ms Hood, Solicitor representing Mr Bradie; and had the opportunity to put questions to them.

The meeting adjourned at 10.55 am to consider whether grounds for review were established. The meeting reconvened at 11.45 am.

Motion

That having considered all of the information provided and the representations made and having taken legal advice, that the Board agree that grounds for review are not established.

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

Decision

Having considered all of the information provided and representations made, the Board was satisfied that grounds of review were not established and the item of business was dismissed.

(ii) Hearing to Consider making an Order in terms of Section 83(9) of the Licensing (Scotland) Act 2005 to revoke, suspend or endorse Personal Licence Number CC102 granted by Clackmannanshire Licensing Board (Mr Craig Stewart)

A hearing was held to consider and determine a Personal Licence Review Proposal in respect of Personal Licence Number CC102, held by Mr Craig Stewart. Review was sought in terms of Section 84A of the Licensing (Scotland) Act 2005 that Craig Stewart had acted in a manner which was inconsistent with the licensing objective articulated at Section 4(1) of Act, namely:

- Protecting and Improving Public Health

Attending

Sergeant Derek Simpson, Police Scotland

Mr Jim Kelly, Agent representing Mr Craig Stewart (Mr Stewart was not in attendance)

The Board heard representation from the Sergeant Simpson; and Mr Kelly, representing Mr Stewart; and had the opportunity to put questions to them.

The meeting adjourned at 12.15 pm to consider whether grounds for making and order were established. The meeting reconvened at 12.58 pm.

Motion

That having considered all of the information provided and the representations made and having taken legal advice, that the Board agree that grounds for review were established; and that the Board agree that it is necessary and appropriate for the purposes of the licensing objective of "Protecting and Improving Public Health" to endorse the personal licence of Mr Craig Stewart.

Moved by Councillor Kenneth Earle. Seconded by Councillor Mike Watson.

Decision

The Board, having considered all of the information provided and representations made, were satisfied that grounds of review were established and agreed that it was necessary and appropriate for the purposes of the licensing objective of "Protecting and Improving Public Health" to endorse the personal licence of Mr Craig Stewart.

(iii) Hearing to Consider a Premises Licence Review Proposal in respect of the Premises Licence for the premises known as the Abercromby Arms, 14/16 Stirling Road, Tullibody, FK10 2QE

A review hearing in terms of Section 38 of the Licensing (Scotland) Act 2005 was held to consider and determine a Premises Licence Review Proposal in respect of the Premises Licence for the Abercromby Arms, 14/16 Stirling Road, Tullibody, held by Greene King Retailing Limited. Review of the licence was sought on the grounds specified in **Section 36(3) (b)** relevant to one or more of the licensing objectives as articulated at Section 4(1) of the 2005 Act, namely:

- Preventing Crime and Disorder
- Protecting and Improving Public Health

Attending

Sergeant Derek Simpson, Police Scotland

Mr Paul Fair, Licensing Standards Officer (LSO)

Mr Stephen McGowan, Solicitor representing Greene King Retailing Limited, Abercromby Arms

Mr Billie Guthrie, Observer, Greene King Retailing Limited

The Board heard representation from the Sergeant Simpson; Mr Fair, Licensing Standards Officer; and Mr McGowan, Solicitor representing Greene King Retailing Limited; and had the opportunity to put questions to them.

The meeting adjourned at 13.34 am to consider whether grounds for review were established. The meeting reconvened at 2.05 pm.

Motion

That having considered all of the information provided and the representations made and having taken legal advice, that the Board agree that grounds for review are not established.

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

Decision

Having considered all of the information provided and representations made, the Board was satisfied that grounds of review were not established and the item of business was dismissed.

Ends: 2.15 pm