



**MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held via MS TEAMS on THURSDAY 18 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 Helen Lewis  
Councillor George Matchett, QPM  
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, Councillor Dave Clark and Councillor Les Sharp.

**2.0 DECLARATIONS OF INTEREST**

None

**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 Holly Tree, Main Street East, Menstrie, FK11 7BJ**

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 Holly Tree, Main Street East, Menstrie, FK11 7BJ, held by Caledonian Heritable 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 Andrew Thomson, Solicitor representing Caledonian Heritable Limited, The Holly Tree  
Mr Graeme Arnott, Director, Caledonian Heritable Limited  
Mr Satnam Singh Shergill, Lessee, The Holly Tree

The Board heard representation from all parties attending; and had the opportunity to put questions to them.

The meeting adjourned at 1:10 pm to consider whether grounds for review were established.

The meeting reconvened at 2.05 pm, for the board to ask further questions of Mr Shergill. Following his responses, the meeting adjourned at 2.12 pm.

The Board reconvened at 2.20 pm.

The Board considered all of the information provided and the representations made In respect of the review application from Police Scotland, the Board agreed that grounds for review were not established.

However, from the information set out in the Licensing Standards Officer's report, the Board agreed that grounds for review were established as a result of the premises having operated in a manner contrary to the licensing objectives of:

- i. Preventing Crime and disorder and
- ii. Securing Public Safety and Protecting and Improving Public.

Mr Andrew Thomson, Solicitor representing Caledonian Heritable Limited offered mitigation on behalf of his client.

The meeting adjourned at 2.40 pm to consider sanctions.

The Board reconvened at 2.50 pm.

### **Motion**

That having considered all of the information provided and the representations made and having established that grounds for review are established, that the Board issue Caledonian Heritable Limited with a written warning as a result of the premises having operated in a manner contrary to the licensing objectives of "Preventing Crime and Disorder" and "Securing Public Safety".

Moved by Councillor Kenneth Earle. Seconded by Councillor George Matchett QPM.

### **Decision**

Having considered all of the information provided and representations made, and having established that grounds for review are established, the Board agreed unanimously to issue Caledonian Heritable Limited with a written warning as a result of the premises having operated in a manner contrary to the licensing objectives of "Preventing Crime and Disorder", and "Securing Public Safety".

- (ii) **Hearing to Consider making an Order in terms of Section 84(7) of the Licensing (Scotland) Act 2005 to revoke, suspend or endorse Personal Licence Number SL/EK/974 granted by South Lanarkshire Licensing Board (Mr Inderjit Singh Shergill)**

A hearing was held to consider and determine a Personal Licence Review Proposal in respect of Personal Licence Number SL/EK/974, held by Mr Inderjit Singh Shergill. Review was

sought in terms of Section 84A of the Licensing (Scotland) Act 2005 that Mr Inderjit Singh Shergill had acted in a manner which was inconsistent with the licensing objectives articulated at Section 4(1) of Act, namely:

- Preventing Crime and Disorder; and
- Protecting and Improving Public Health

#### **Attending**

Sergeant Derek Simpson, Police Scotland

Mr Paul Fair, Licensing Standards Officer (LSO)

Mr Andrew Thomson, Solicitor representing Mr Inderjit Singh Shergill

Mr Inderjit Singh Shergill, Designated Premises Manager, the Holly Tree, Menstrie

The Board heard representation from the Sergeant Simpson; Mr Andrew Thomson, Solicitor representing Mr Inderjit Singh Shergill; and Paul Fair, Licensing Standards Officer and had the opportunity to put questions to them.

The meeting adjourned at 3.30 pm to consider whether grounds for making an order were established. The meeting reconvened at 3.50 pm.

#### **Decision**

The Board, having considered all of the information provided and the representations made and having taken legal advice, agreed that grounds for making an order were not established; and the Board agree to dismiss this item of business.

Ends: 4.00 pm