



**MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD SUB
COMMITTEE held via MS TEAMS, on FRIDAY 14 AUGUST 2020 at 8.30 am.**

PRESENT

Councillor Kenneth Earle (Convenor)
Councillor Martha Benny
Councillor Helen Lewis

IN ATTENDANCE

June Andison, Licensing Administrator
Paul Fair, Licensing Standards Officer
Richard Thompson, Solicitor, Legal and Governance (Clerk to the Board)
Gillian White, Committee Services

1.0 APOLOGIES

None.

2.0 DECLARATIONS OF INTEREST

None.

3.0 LICENSING (SCOTLAND) ACT 2005 – OCCASIONAL LICENCE APPLICATIONS

**(a) Applications for Occasional Licences:
1 – 14 August, 15 – 28 August and 29 August - 11 September 2020**

Applicant: JD Wetherspoons
Premises: **Bobbing John**, 24 Drysdale Street, Alloa, FK10 1JL
Event: Provision of Outdoor Drinking Area

Attending

Paul Fair, Licensing Standards Officer
The Applicant did not attend
Police Scotland had no objections and did not attend.

The Board heard representation from the Licensing Standards Officer and had the opportunity to put questions to him.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Sub Committee of the Board grants the applications for three occasional licences on 1 – 14 August, 15 – 28 August and 29 August - 11 September 2020, subject to the conditions set out in Appendix A (page 23)

Moved by Councillor Martha Benny. Seconded by Councillor Helen Lewis.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Sub Committee of the Board agreed unanimously to grant the applications for three occasional licences on 1 – 14 August, 15 – 28 August and 29 August - 11 September 2020, subject to the conditions set out in Appendix A (page 23); namely:

1. Alcohol sold for consumption in the licensed outdoor area will be ordered from, and delivered to the table, by staff employed at the premises.
2. The outdoor area must be clearly separated from any neighbouring unlicensed area by a physical barrier such as a fence or series of posts and rope or tape of at least 1 metre in height.
3. The outside area can only be occupied by persons seated at a table.
4. The licence holder must ensure that alcohol is only consumed by persons seated at a table.
5. (For Licensed public spaces only) All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in or decanted into plastic or polycarbonate drinking vessels.
6. No entertainment, live or recorded music or performances will be permitted in any outdoor area.
7. All outdoor areas will be operated in compliance with the current Scottish Government guidance for Licensed Outdoor Drinking areas, including any amendments to that guidance which occurs in the duration of the licence.
8. The licensed area must be supervised by an SIA licensed Steward between 6pm and closure on each Friday and Saturday (applies only when the area is in use).

Action

Clerk to the Board

- (b) Applications for Occasional Licences:**
26 August – 8 September 2020, 9 – 23 September 2020, 24 September – 7 October 2020 and 8 -21 October 2020

Applicant: Ross Henderson
Premises: **The Kings Seat**, Bridge Street, Dollar, FK14 7DE
Event: Provision of Outdoor Drinking Area

Attending

Paul Fair, Licensing Standards Officer

The Applicant did not attend

Police Scotland had no objections and did not attend.

The Board heard representation from the Licensing Standards Officer and had the opportunity to put questions to him.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Sub Committee of the Board grants the applications for four occasional licences on 26 August – 8 September 2020, 9 – 23 September 2020, 24 September – 7 October 2020 and 8 -21 October 2020, subject to the conditions set out in Appendix A (page 46)

Moved by Councillor Helen Lewis. Seconded by Councillor Martha Benny.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Sub Committee of the Board agreed unanimously to grant the applications for four occasional licences on 26 August – 8 September 2020, 9 – 23 September 2020, 24 September – 7 October 2020 and 8 -21 October 2020, subject to the conditions set out in Appendix A (page 46); namely:

1. Alcohol sold for consumption in the licensed outdoor area will be ordered from, and delivered to the table, by staff employed at the premises.
2. The outdoor area must be clearly separated from any neighbouring unlicensed area by a physical barrier such as a fence or series of posts and rope or tape of at least 1 metre in height.
3. The outside area can only be occupied by persons seated at a table.
4. The licence holder must ensure that alcohol is only consumed by persons seated at a table.
5. (For Licensed public spaces only) All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in or decanted into plastic or polycarbonate drinking vessels.
6. No entertainment, live or recorded music or performances will be permitted in any outdoor area.
7. All outdoor areas will be operated in compliance with the current Scottish Government guidance for Licensed Outdoor Drinking areas, including any amendments to that guidance which occurs in the duration of the licence.

Action

Clerk to the Board

(c) Applications for Occasional Licences: 17-30 August 2020, 31 August–13 September 2020 and 14-27 September 2020

Applicant: Stephen Polley
Premises: Crown Inn, 77 Stirling Street, Alva, FK12 5ED
Event: Provision of Outdoor Drinking Area

Attending

Paul Fair, Licensing Standards Officer

The Applicant did not attend

Police Scotland had no objections and did not attend.

The Board heard representation from the Licensing Standards Officer and had the opportunity to put questions to him.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Sub Committee of the Board grants the applications for three occasional licences on 17-30 August 2020, 31 August–13 September 2020 and 14-27 September 2020, subject to the conditions set out in Appendix A (page 63).

Moved by Councillor Kenneth Earle. Seconded by Councillor Helen Lewis.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Sub Committee of the Board agreed unanimously to grant the applications for three occasional licences on 17-30 August 2020, 31 August–13 September 2020 and 14-27 September 2020, subject to the conditions set out in Appendix A (page 63); namely:

1. Alcohol sold for consumption in the licensed outdoor area will be ordered from, and delivered to the table, by staff employed at the premises.

2. The outdoor area must be clearly separated from any neighbouring unlicensed area by a physical barrier such as a fence or series of posts and rope or tape of at least 1 metre in height.
3. The outside area can only be occupied by persons seated at a table.
4. The licence holder must ensure that alcohol is only consumed by persons seated at a table.
5. (For Licensed public spaces only) All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in or decanted into plastic or polycarbonate drinking vessels.
6. No entertainment, live or recorded music or performances will be permitted in any outdoor area.
7. All outdoor areas will be operated in compliance with the current Scottish Government guidance for Licensed Outdoor Drinking areas, including any amendments to that guidance which occurs in the duration of the licence.

Action

Clerk to the Board

(d) Applications for Occasional Licences: 17 – 30 August, 31 August – 13 September and 14 – 27 September 2020

Applicant: David White
Premises: No. 5 Inn, Brook Street, Alva, FK12 5JL
Event: Provision of Outdoor Drinking Area

Attending

Paul Fair, Licensing Standards Officer

The Applicant did not attend

Police Scotland had no objections and did not attend.

The Board heard representation from the Licensing Standards Officer and had the opportunity to put questions to him.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Sub Committee of the Board grants the applications for three occasional licences on 17 – 30 August, 31 August – 13 September and 14 – 27 September 2020, subject to the conditions set out in Appendix A (page 80).

Moved by Councillor Martha Benny. Seconded by Councillor Helen Lewis.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Sub Committee of the Board agreed unanimously to grant the applications for three occasional licences on 17 – 30 August, 31 August – 13 September and 14 – 27 September 2020, subject to the conditions set out in Appendix A (page 80), namely:

1. Alcohol sold for consumption in the licensed outdoor area will be ordered from, and delivered to the table, by staff employed at the premises.
2. The outdoor area must be clearly separated from any neighbouring unlicensed area by a physical barrier such as a fence or series of posts and rope or tape of at least 1 metre in height.
3. The outside area can only be occupied by persons seated at a table.
4. The licence holder must ensure that alcohol is only consumed by persons seated at a table.
5. (For Licensed public spaces only) All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in or decanted into plastic or polycarbonate drinking vessels.
6. No entertainment, live or recorded music or performances will be permitted in any outdoor area.

7. All outdoor areas will be operated in compliance with the current Scottish Government guidance for Licensed Outdoor Drinking areas, including any amendments to that guidance which occurs in the duration of the licence.

Action

Clerk to the Board

**(e) Applications for Occasional Licences:
17 – 30 August, 31 August – 13 September and 14 – 27 September 2020**

Applicant: Craig Stewart
Premises: The Royal Oak, 7 Bedford Place, Alloa, FK10 1LJ
Event: Provision of Outdoor Drinking Area

Attending

Paul Fair, Licensing Standards Officer

The Applicant did not attend

Police Scotland had no objections and did not attend.

The Board heard representation from the Licensing Standards Officer and had the opportunity to put questions to him.

The Licensing Standards Officer advised that a letter of complaint regarding noise had been received from a neighbouring property and that the letter had been circulated to the Licensing Board members. Police Scotland had been called to the premises regarding excessive noise, but, having been unable to attend before closure of the premises, they had since referred the matter to Environmental Health. The LSO raised with Environmental Health who advised that they are investigating a noise issue, but they are reasonably satisfied with the premises' Covid-19 control measures. The premises has been visited regularly, by the LSO, Police Scotland and Environmental Health as part of a specific operation for newly opened licenced areas and no issues had been found. All patrons had been seated, well behaved and adhering to restrictions.

The applicant, Craig Stewart, had submitted a letter to the Board responding to the letter of complaint and explained that he had spoken to the complainant previously in relation to filming of patrons at the premises and the issue of noise. He offered to meet with the neighbour and work to resolve the situation.

The Clerk provided advice to the Board that the focus has to be on the Board's statutory function. The complainant is one individual next to the premises who hasn't said how they would like the situation resolved. The Board would have to consider whether these communications were material to consideration of the three applications before them.

The Licensing Standards Officer offered to facilitate mediation between the parties to try and resolve the situation and work with the premises to bring forward a solution.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Sub Committee of the Board grants the applications for three occasional licences on 17 – 30 August, 31 August – 13 September and 14 – 27 September 2020, subject to the conditions set out in Appendix A (page 100) and subject to mediation being carried out between the applicant and the complainant.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Sub Committee of the Board agreed unanimously to grant the applications for three occasional licences on 17 – 30 August, 31 August – 13 September and 14 – 27 September 2020, subject to mediation being carried out between the applicant and the complainant and subject to the conditions set out in Appendix A (page 100), namely:

1. Alcohol sold for consumption in the licensed outdoor area will be ordered from, and delivered to the table, by staff employed at the premises.
2. The outdoor area must be clearly separated from any neighbouring unlicensed area by a physical barrier such as a fence or series of posts and rope or tape of at least 1 metre in height.
3. The outside area can only be occupied by persons seated at a table.
4. The licence holder must ensure that alcohol is only consumed by persons seated at a table.
5. (For Licensed public spaces only) All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in or decanted into plastic or polycarbonate drinking vessels.
6. No entertainment, live or recorded music or performances will be permitted in any outdoor area.
7. All outdoor areas will be operated in compliance with the current Scottish Government guidance for Licensed Outdoor Drinking areas, including any amendments to that guidance which occurs in the duration of the licence.

Action

Clerk to the Board

(f) Applications for Occasional Licences: 17 – 30 August, 31 August – 13 September and 14 – 27 September 2020

Applicant: Bramley Eccles
Premises: Royal Arms, 2 High Street, Tillicoultry, FK13 6AE
Event: Provision of Outdoor Drinking Area

Attending

Paul Fair, Licensing Standards Officer

The Applicant did not attend

Police Scotland had no objections and did not attend.

The Board heard representation from the Licensing Standards Officer and had the opportunity to put questions to him.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Sub Committee of the Board grants the applications for three occasional licences on 17 – 30 August, 31 August – 13 September and 14 – 27 September 2020, subject to the conditions set out in Appendix A (page 117).

Moved by Councillor Helen Lewis. Seconded by Councillor Martha Benny.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Sub Committee of the Board agreed unanimously to grant the applications for three occasional licences on 17 – 30 August, 31 August – 13 September and 14 – 27 September 2020, subject to the conditions set out in Appendix A (page 117), namely:

1. Alcohol sold for consumption in the licensed outdoor area will be ordered from, and delivered to the table, by staff employed at the premises.

2. The outdoor area must be clearly separated from any neighbouring unlicensed area by a physical barrier such as a fence or series of posts and rope or tape of at least 1 metre in height.
3. The outside area can only be occupied by persons seated at a table.
4. The licence holder must ensure that alcohol is only consumed by persons seated at a table.
5. (For Licensed public spaces only) All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in or decanted into plastic or polycarbonate drinking vessels.
6. No entertainment, live or recorded music or performances will be permitted in any outdoor area.
7. All outdoor areas will be operated in compliance with the current Scottish Government guidance for Licensed Outdoor Drinking areas, including any amendments to that guidance which occurs in the duration of the licence.

Action

Clerk to the Board

(g) Applications for Occasional Licences: 14 – 27 August, 28 August – 10 September and 11 – 24 September 2020

Applicant: Sharon McKnight
Premises: Crams Bar, 8 – 10 Candleriggs, Alloa
Event: Provision of Outdoor Drinking Area

Attending

Paul Fair, Licensing Standards Officer

The Applicant did not attend

Police Scotland had no objections and did not attend.

The Board heard representation from the Licensing Standards Officer and had the opportunity to put questions to him.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Sub Committee of the Board grants the applications for three occasional licences on 14 – 27 August, 28 August – 10 September and 11 – 24 September 2020, subject to the conditions set out in Appendix A (page 134)

Moved by Councillor Kenneth Earle. Seconded by Councillor Helen Lewis.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Sub Committee of the Board agreed unanimously to grant the applications for three occasional licences on 14 – 27 August, 28 August – 10 September and 11 – 24 September 2020, subject to the conditions set out in Appendix A (page 134), namely:

1. Alcohol sold for consumption in the licensed outdoor area will be ordered from, and delivered to the table, by staff employed at the premises.
2. The outdoor area must be clearly separated from any neighbouring unlicensed area by a physical barrier such as a fence or series of posts and rope or tape of at least 1 metre in height.
3. The outside area can only be occupied by persons seated at a table.
4. The licence holder must ensure that alcohol is only consumed by persons seated at a table.
5. (For Licensed public spaces only) All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in or decanted into plastic or polycarbonate drinking vessels.

6. No entertainment, live or recorded music or performances will be permitted in any outdoor area.
7. All outdoor areas will be operated in compliance with the current Scottish Government guidance for Licensed Outdoor Drinking areas, including any amendments to that guidance which occurs in the duration of the licence.

Action

Clerk to the Board

**(h) Applications for Occasional Licences:
17 – 30 August, 31 August – 13 September and 14 – 27 September 2020**

Applicant: Alan Bradie
Premises: Oakwood Lounge, Fairfield Road, Sauchie, FK10 3DE
Event: Provision of Outdoor Drinking Area

Attending

Paul Fair, Licensing Standards Officer

The Applicant did not attend

Police Scotland had no objections and did not attend.

The Board heard representation from the Licensing Standards Officer and had the opportunity to put questions to him.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Sub Committee of the Board grants the applications for three occasional licences on 17 – 30 August, 31 August – 13 September and 14 – 27 September 2020, subject to the conditions set out in Appendix A (page 151)

Moved by Councillor Kenneth Earle. Seconded by Councillor Helen Lewis.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Sub Committee of the Board agreed unanimously to grant the applications for three occasional licences on 17 – 30 August, 31 August – 13 September and 14 – 27 September 2020, subject to the conditions set out in Appendix A (page 151), namely:

1. Alcohol sold for consumption in the licensed outdoor area will be ordered from, and delivered to the table, by staff employed at the premises.
2. The outdoor area must be clearly separated from any neighbouring unlicensed area by a physical barrier such as a fence or series of posts and rope or tape of at least 1 metre in height.
3. The outside area can only be occupied by persons seated at a table.
4. The licence holder must ensure that alcohol is only consumed by persons seated at a table.
5. (For Licensed public spaces only) All drinks whether alcoholic or not sold or supplied for consumption in the outdoor area, will be sold in or decanted into plastic or polycarbonate drinking vessels.
6. No entertainment, live or recorded music or performances will be permitted in any outdoor area.
7. All outdoor areas will be operated in compliance with the current Scottish Government guidance for Licensed Outdoor Drinking areas, including any amendments to that guidance which occurs in the duration of the licence.

Action

Clerk to the Board

Ends: 12:00 hrs