



MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held via MS TEAMS on TUESDAY 6 OCTOBER 2020 at 09.30 am.

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)
Melanie Moore, Committee Services

1.0 APOLOGIES

Apologies were received from Councillor Tina Murphy and Councillor Les Sharp.

2.0 DECLARATIONS OF INTEREST

None

3.0 MINUTES OF MEETING OF CLACKMANNANSHIRE LICENSING BOARD/SUB COMMITTEE HELD ON VARIOUS DATES

The minutes of the meeting of the Clackmannanshire Licensing Board/Sub Committee held on a) 11 June 2020, b) 18 June 2020, c) 03 July 2020, d) 10 July 2020, e) 24 July 2020, f) 14 August 2020, g) 1 September 2020 and h) 21 September 2020 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board/Sub Committee held on a) 11 June 2020, b) 18 June 2020, c) 03 July 2020, d) 10 July 2020, e) 24 July 2020, f) 14 August 2020, g) 1 September 2020 and h) 21 September 2020 were agreed as a correct record (for the meetings which members had attended) and signed by the Convenor.

4.0 LICENSING (SCOTLAND) ACT 2005

(i) Hearing to Consider application for Variation(s) (Non Minor) at Bar Aldo, 9 –11 Coalgate, Alloa, FK10 1EH

Applicant: Aldo Pia c/o Macgregor Thomson Solicitors
Premises: Bar Aldo, 9 – 11 Coalgate, Alloa, FK10 1EH
Event: Application for a Non Minor Variation

Attending

Mr Andrew Thomson, Solicitor representing Mr Aldo Pia
Paul Fair, Licensing Standards Officer

The Board heard representation from the Mr Andrew Thomson, Solicitor and from the Licensing Standards Officer

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for Variation (Non Minor), subject to the conditions set out in Appendix A (page 55).

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

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 Variation (Non Minor), subject to the conditions set out in Appendix A – (page 55 – bold and starred conditions), namely:

- Consumption of alcohol in the outdoor drinking area is not permitted after 10.00 pm (other times may be agreed in appropriate circumstances).
- No live or recorded music, live performances or other entertainment is permitted within the outdoor drinking area.
- Customers using the outdoor drinking area shall at all times be supervised and/or monitored to ensure the nuisance or annoyance to neighbouring residents is not caused. In particular staff must take all reasonable steps to prevent shouting, singing and disorderly conduct within the outdoor area.
- Where the outdoor drinking facility is to be used during the hours of darkness, the licence holder shall ensure that suitable lighting is provided for the convenience and safety of all persons on the premises.
- The outdoor drinking facility must not be used for any purpose which is likely to cause annoyance to neighbours through smell, for example, the use of barbecues.
- Any facility provided for the comfort of patrons such as outdoor heaters must be used and maintained in a safe manner and in accordance with manufacturers' instructions and any other statutory requirements.
- Where smoking is permitted in the outdoor drinking area, ashtrays or other suitable receptacles will be provided.
- Where spoking is permitted in the outdoor drinking area or in part of the outdoor area children and young persons will not be permitted access to the outdoor area or to any part of the area where smoking is permitted, or to any part of the outdoor area where second hand smoke may be present.
- All alcohol to be consumed in the outdoor drinking area must be taken to and from the area by the designated premises manager or another member of staff authorised to serve or sell alcohol on their behalf, Patrons of the Premises are specifically prohibited from taking alcohol to or from the Premises to the outside drinking area.

Action

Clerk to the Board

5.0 POLICE SCOTLAND: CHIEF CONSTABLE'S REPORT TO THE CLACKMANNANSHIRE LICENSING BOARD FOR THE PERIOD 1 APRIL 2019 TO 31 MARCH 2020

Attending

Inspector Mark Murphy, Police Scotland (Deputising for Area Commander)
PC Kirstin McLean, Police Scotland (Licensing Officer)

The Board heard a presentation from Inspector Mark Murphy on the Chief Constable's report and had the opportunity to put questions to him.

Having commented on and challenged the report as appropriate and having had the 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 2019 to 31 March 2020.

6.0 GENERAL PERMITTED EXTENSION – FESTIVE PERIOD 2020-21

A report submitted by the Clerk to the Licensing Board the purpose of which was to enable the Licensing Board to consider its approach to the festive period 2020-21.

Motion

That the Board agree the recommendations as set out in the report.

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

Decision

The Board agreed unanimously to:-

1. Note that the Statement of Licensing Policy has incorporated the Festive Policy.
2. Agree that any general extension incorporated into the Statement of Licensing Policy 2018 shall apply for the period of 11 December 2020 to 2 January 2021 subject to any national restrictions imposed as a result of Covid-19.

Action

Clerk to the Board

7.0 AOCB – OCCASIONAL LICENCE APPLICATIONS

a. Application for Occasional Licences

23 October – 5 November, 6 – 19 November and 20 November – 3 December 2020

Applicant: JD Wetherspoons (Scots) Ltd
Premises: Bobbing John, 46 Drysdale Street, Alloa, FK10 1JL
Event: Provision of Outdoor Drinking Area

Attending

Paul Fair, Licensing Standards Officer
The Applicant 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 Board grants the applications for three occasional licences on 23 October – 5 November, 6 – 19 November and 20 November – 3 December 2020, subject to the conditions set out in Appendix A (page 95).

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

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the applications for three occasional licences on 23 October – 5 November, 6 – 19 November and 20 November – 3 December 2020, subject to the conditions set out in Appendix A (page 95), 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 the Hospitality Sector, including any amendments to that guidance which occurs in the duration of the licence.
8. The licenced area must be supervised by an SIA licenced Steward between 6pm and closure on each Friday and Saturday (applies only when the area in use).

Action

Clerk to the Board

b. Application for Occasional Licences

28 September – 11 October, 12 – 25 October and 26 October – 8 November 2020

Applicant: Bramley Eccles, Alloa
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

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 Board grants the applications for three occasional licences on 28 September - 11 October, 12 – 25 October and 26 October - 8 November 2020, subject to the conditions set out in Appendix A (page 111).

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

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the applications for three occasional licences on 28 September - 11 October, 12 – 25 October and 26 October - 8 November 2020, subject to the conditions set out in Appendix A (page 111), 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 the hospitality Sector, including any amendments to that guidance which occurs in the duration of the licence.

Action

Clerk to the Board

c. Application for Occasional Licences

28 September – 11 October, 12 – 25 October and 26 October – 8 November 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

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 Board grants the applications for three occasional licences on 28 September - 11 October, 12 – 25 October and 26 October - 8 November 2020, subject to the conditions set out in Appendix A (page 127).

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

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the applications for three occasional licences on 28 September - 11 October, 12 – 25 October and 26 October - 8 November 2020, subject to the conditions set out in Appendix A (page 127), 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 the hospitality Sector, including any amendments to that guidance which occurs in the duration of the licence.

Action

Clerk to the Board

Ends: 10.53 am