



**MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held via MS
TEAMS on THURSDAY 12 NOVEMBER 2020 at 9.30 am.**

PRESENT

Councillor Kenneth Earle (Convenor)
Councillor Martha Benny
Councillor Dave Clark
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)
Heather Buchanan, Solicitor, Legal and Governance
Gillian White, Committee Services

1.0 APOLOGIES

Apologies were received from Councillor Tina Murphy and Councillor Helen Lewis

2.0 DECLARATIONS OF INTEREST

None

**3.0 MINUTES OF MEETING OF CLACKMANNANSHIRE LICENSING BOARD HELD
ON 6 OCTOBER 2020**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 6
October 2020 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 6
October 2020 were agreed as a correct record and signed by the Convenor.

4.0 LICENSING (SCOTLAND) ACT 2005

As an Objector for Item 4(a), Ms Greig, who had previously indicated her attendance, was not present at the start of Item 4, the Chair re-ordered the agenda to take Item 4(b) as the first item on this part of the Agenda, to allow contact to be made.

(b) Application for Variation of Licence (Non Minor) – Representations received from Licensing Standards Officer and Environmental Health.

Premises: Crown Inn, 77 Stirling Street, Alva, FK12 5ED
Applicant: STP (Scotland) Limited, 77 Stirling Street, Alva, FK12 5ED

Attending

Mr Paul Fair, Licensing Standards Officer
Ms Kay Bryson, Environmental Health Officer (via the Chat facility on MS Teams)
Mr Stephen Polley, Applicant

An application for a variation of licence (non-minor) which had attracted representations was put before the Board for determination.

The Board heard representations from the Licensing Standards Officer and from Mr Polley. The Environmental Health Officer had submitted her representation in writing which was circulated as part of the agenda but as she did not have access to a microphone or camera for the MS Teams meeting, Ms Bryson was available to the Board through the MS Teams Chat facility. The Board had the opportunity to put questions to all parties.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for the Variation of Licence (Non Minor), subject to the conditions set out in Appendix A of the Licensing Standards Officer's report (pages 49 and 50 – bold and starred conditions) and subject to following amendments to those conditions:

Remove:

- * **All alcohol to be consumed in the Outside 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.**

Add in:

Only Plastic Polycarbonate or other unbreakable drinking vessels may be used in the outdoor drinking area. All drinks whether alcoholic or not must be decanted from any glass containers into unbreakable drinking vessels.

Moved by Councillor Les Sharp. 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 application for the Variation of Licence (Non Minor), subject to the conditions set out in Appendix A of the Licensing Standards Officer's report (pages 49 and 50) as amended, namely:

- Consumption of alcohol in the outdoor drinking area is not permitted after 10.00 pm.
- 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.
- The Premises Licence Holder must prepare a document for the benefit of the current Premises Manager and any staff working on the premises, explaining how compliance with the conditions of the premises licence, insofar as they relate to the licensed outdoor drinking area, will be achieved and supervised. This document must be available to staff at all times and a record should be kept of all staff training in relation to it. This document must also be available on the premises for inspection by the Licensing Standards Officer.
- In any outdoor drinking area attached to the premises the licence holder will be required to display such notices as prescribed by the Licensing Board. Notices prescribed in relation to this condition may relate to such matters as: Noise; Conduct of Customers; Children's and Young Person's Access to the Area; and Permitted Hours of Use.
- Only plastic polycarbonate or other unbreakable drinking vessels may be used in the outdoor drinking area. All drinks whether alcoholic or not must be decanted from any glass containers into unbreakable drinking vessels.
- Only alcohol that has been sold by the premises can be consumed in the outdoor area.

Action

Clerk to the Board

(a) **Application for Variation of Licence (Non Minor) – Representation received from Licensing Standards Officer and letters of objection from R Greig and D Wilkie.**

Having made contact with Ms Greig (Objector), Ms Greig confirmed that she would not be in attendance at the meeting today.

Premises: King's Seat, Bridge Street, Dollar, FK10 7DE

Applicant: Empire Inns Property Company Limited c/o McGregor Thomson Solicitors

Attending

Mr Paul Fair, Licensing Standards Officer

Mr Andrew Thomson, McGregor Thomson Solicitors (representing the Applicant)

Mr Ross Henderson, Applicant (via telephone with his Solicitor)

An application for a variation of licence (non-minor) which had attracted a representation and two objections was put before the Board for determination.

The Board heard representations from the Licensing Standards Officer and from Mr Thomson. Mr Henderson (Applicant) was also in attendance via telephone through his solicitor Mr Thomson. The Board had the opportunity to put questions to all parties.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for the Variation of Licence (Non Minor), subject to the conditions set out in Appendix A of the Licensing Standards Officer's report (pages 29 and 30 – bold and starred conditions) and subject to following amendments to those conditions:

Add in:

Rear Garden Only – this area must be designated as a “NO SMOKING” area and the licence holder must take steps to ensure that customers do not smoke lit tobacco, or any other product when using this area. Notices reminding customers that the area is a “NO SMOKING” are must be conspicuously displayed, in such a position that they are easily read by anyone in the area.

The disposal of glass and other waste materials in the outside area is prohibited between 8pm and 9am.

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 for the Variation of Licence (Non Minor), subject to the conditions set out in Appendix A of the Licensing Standards Officer's report (pages 29 and 30 – bold and starred conditions) as amended, namely:

- Consumption of alcohol in the outdoor drinking area is not permitted after 10.00 pm.
- 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.
- Customers consuming alcohol must not be permitted to encroach on to the footpath or any adjoining public area outwith the boundaries of the licensed 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 smoking 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.
- Rear Garden Only – this area must be designated as a “NO SMOKING” area and the licence holder must take steps to ensure that customers do not smoke lit tobacco, or any other product when using this area. Notices reminding customers that the area is a “NO SMOKING” are must be conspicuously displayed, in such a position that they are easily read by anyone in the area.

- The Premises Licence Holder must prepare a document for the benefit of the current Premises Manager and any staff working on the premises, explaining how compliance with the conditions of the premises licence, insofar as they relate to the licensed outdoor drinking area, will be achieved and supervised. This document must be available to staff at all times and a record should be kept of all staff training in relation to it. This document must also be available on the premises for inspection by the Licensing Standards Officer.
- In any outdoor drinking area attached to the premises the licence holder will be required to display such notices as prescribed by the Licensing Board. Notices prescribed in relation to this condition may relate to such matters as: Noise; Conduct of Customers; Children's and Young Person's Access to the Area; and Permitted Hours of Use.
- Outdoor drinking areas which are adjacent to a public place or public footpath, must at all times when the area is in use be clearly delineated by a physical barrier making the extent of the licensed area clear and obvious to any person using the area or using the adjacent public place or footpath.
- All alcohol to be consumed in the Outside 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.
- Only alcohol that has been sold by the premises can be consumed in the outdoor area.
- The disposal of glass and other waste materials in the outside area is prohibited between 8pm and 9am.

Action

Clerk to the Board

The Board adjourned for a short break at 11.30 and re-convened at 11.40 am.

(c) Application for Variation of Licence (Non Minor) – Representation received from Licensing Standards Officer.

Premises: Morrisons, Clackmannan Road, Alloa, FK10 1RQ

Applicant: WM Morrisons Supermarkets PLC, c/o Gosschalks Solicitors

Attending

Mr Paul Fair, Licensing Standards Officer

Mr Richard Taylor, Gosschalks Solicitors (representing the Applicant)

Ms Kelly Nichols, Morrisons

An application for a variation of licence (non-minor) which had attracted a representation from the Licensing Standards Officer was put before the Board for determination.

The Board heard representations from the Licensing Standards Officer and from Mr Taylor. The Board had the opportunity to put questions to all parties.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for the Variation of Licence (Non Minor), subject to the conditions set out in Appendix A of the Licensing Standards Officer's report (page 66).

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 the Variation of Licence (Non Minor), subject to the conditions set out in Appendix A of the Licensing Standards Officer's report (page 66), namely:

- Records which are required to be made by virtue of section 119 of the Licensing (Scotland) Act 2005, must be retained on the premises for a period of at least 1 year and shall be made available to the Licensing Standards Officer or a Police Constable on request.
- All staff involved in the delivery of alcohol from the premises must be trained to at least the standard contained within the Licensing (Training of Staff) (Scotland) Regulations 2007, that is a minimum of 2 hours training delivered by an appropriately qualified person.

Action

Clerk to the Board

(d) **Application for Variation of Licence (Non Minor) – Representation received from Licensing Standards Officer.**

Premises: The Oakwood Lounge, Fairfield, Sauchie, FK10 3DE

Applicant: Mr Alan Bradie

Attending

Mr Paul Fair, Licensing Standards Officer

Mr Alan Bradie, Applicant

An application for a variation of licence (non-minor) which had attracted representations was put before the Board for determination.

The Board heard representations from the Licensing Standards Officer and from Mr Bradie. The Board had the opportunity to put questions to both parties.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for the Variation of Licence (Non Minor), subject to the conditions set out in Appendix A of the Licensing Standards Officer's report (pages 83 and 84 – bold and starred conditions) and subject to following amendments to these conditions:

Remove:

- * **All alcohol to be consumed in the Outside 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.**

Add in:

Only Plastic Polycarbonate or other unbreakable drinking vessels may be used in the outdoor drinking area. All drinks whether alcoholic or not must be decanted from any glass containers into unbreakable drinking vessels.

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

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 the Variation of Licence (Non Minor), subject to the conditions set out in Appendix A of the Licensing Standards Officer's report (pages 83 and 84) as amended, namely:

- Consumption of alcohol in the outdoor drinking area is not permitted after 10.00 pm.
- 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 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.
- The Premises Licence Holder must prepare a document for the benefit of the current Premises Manager and any staff working on the premises, explaining how compliance with the conditions of the premises licence, insofar as they relate to the licensed outdoor drinking area, will be achieved and supervised. This document must be available to staff at all times and a record should be kept of all staff training in relation to it. This document must also be available on the premises for inspection by the Licensing Standards Officer.
- In any outdoor drinking area attached to the premises the licence holder will be required to display such notices as prescribed by the Licensing Board. Notices prescribed in relation to this condition may relate to such matters as: Noise; Conduct of Customers; Children's and Young Person's Access to the Area; and Permitted Hours of Use.
- Only plastic polycarbonate or other unbreakable drinking vessels may be used in the outdoor drinking area. All drinks whether alcoholic or not must be decanted from any glass containers into unbreakable drinking vessels.
- Only alcohol that has been sold by the premises can be consumed in the outdoor area.

Action

Clerk to the Board

Ends: 12:09 PM

