



NOTICE OF MEETING

15 March 2021

A MEETING of the CLACKMANNANSHIRE LICENSING BOARD will be held Via MS Teams, on TUESDAY 23 MARCH 2021 at 9.30 am.



**LINDSAY THOMSON
Clerk to the Clackmannanshire Licensing Board**

	Page No
1. Apologies	--
2. Declarations of Interest	--
Elected Members are reminded of their obligation to declare any financial or non-financial interest which they may have in any item on this agenda in accordance with the Councillors' Code of Conduct. A Declaration of Interest Form should be completed and passed to the Committee Services Officer.	
3. Confirm minutes of Clackmannanshire Licensing Board held on 3 December 2020 (Copy herewith)	05
4. Licensing (Scotland) Act 2005:	
(i) Applications for Personal Licences – Granted Under Delegated Powers (For Information only) (Copy herewith)	09
(ii) Applications for Personal Licence Renewal (With Refresher Training) – Granted Under Delegated Powers (For Information only) (Copy herewith)	13
(iii) Applications for Personal Licence Refresher Training – Granted Under Delegated Powers (For Information only) (Copy herewith)	15
(iv) Applications for Variation of Licence (Minor) – Granted Under Delegated Powers (For Information only) (Copy herewith)	17

5. **Licensing (Scotland) Act 2005 – Revocation of Personal Licence(s) – Revoke**
- List of Personal Licence Holders who have failed to notify Clackmannanshire Licensing Board of the completion of the mandatory 5 year Refresher Training (Copy herewith) 19
6. **Licensing (Scotland) Act 2005 – Premises Ceasing to be used for the Sale of Alcohol - Licensing Standards Officer Report (copy attached)** 23
- Premises: Little Greens Alloa, 1 Mill Road, Alloa
7. **AOCB** --

Clackmannanshire Licensing Board – Board Members 9 (Quorum 5)

Councillors

Wards

Councillor	Kenneth Earle (Convenor)	4	Clackmannanshire South	LAB
Councillor	Mike Watson (Vice Convenor)	3	Clackmannanshire Central	CONS
Councillor	Martha Benny	2	Clackmannanshire North	CONS
Councillor	Dave Clark	2	Clackmannanshire North	LAB
Councillor	Helen Lewis	2	Clackmannanshire North	SNP
Councillor	George Matchett, OPM	1	Clackmannanshire West	LAB
Councillor	Tina Murphy	1	Clackmannanshire West	SNP
Councillor	Les Sharp	1	Clackmannanshire West	SNP

Vacancy

The quorum for the Board by virtue of Schedule 1 paragraph 12(1) of the Licensing (Scotland) Act 2005 is 5 members



MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held via MS TEAMS on THURSDAY 3 DECEMBER 2020 at 2.00 pm.

PRESENT

Councillor Kenneth Earle (Convenor)
Councillor Martha Benny
Councillor Dave Clark
Councillor Les Sharp
Councillor Mike Watson

IN ATTENDANCE

Paul Fair, Licensing Standards Officer
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, Councillor George Matchett, QPM and Councillor Helen Lewis

2.0 DECLARATIONS OF INTEREST

None

3.0 MINUTES OF MEETING OF CLACKMANNANSHIRE LICENSING BOARD HELD ON 12 NOVEMBER 2020

The minutes of the meeting of the Clackmannanshire Licensing Board held on Thursday 12 November 2020 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Thursday 12 November 2020 were agreed as a correct record.

4.0 LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR PREMISES LICENCE

Premises: Haider Mini Market
Applicant: Mohammned Amin, c/o Gordon Emslie, GNE Consultancy, 47 Wallace Brae Drive, Reddingmuirhead, Falkirk, FK2 0FB

Attending

Mr Paul Fair, Licensing Standards Officer
Mr Gordon Emslie, GNE Consultancy (Applicant's Representative)

An application for a premises licence which had no objections/representations received from the police was put before the Board for determination

The Board heard representations from the Licensing Standards Officer and from the Applicant's Representative. 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 Premises Licence.

Moved by Councillor Kenneth Earle. Seconded by Councillor Dave Clark.

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 Premises Licence.

Action

Clerk to the Board

5.0 LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR OCCASIONAL LICENCES

Premises: Bobbing John, 24 Drydale Street, Alloa, FK10 1JL
Applicant: JD Wetherspoons, (Scots) Ltd, c/o Brunton Miller Solicitors, Glasgow, G20 6NB
Dates: 04 – 17 December 2020
18 - 31 December 2020
01 – 14 January 2021

Attending

Mr Paul Fair, Licensing Standards Officer
Mr Archie Maclver, Brunton Miller Solicitors (Applicants Representative)

An application for an occasional licence which had no objections/representations received from the police was put before the Board for determination

The Board heard representations from the Licensing Standards Officer and from the Applicant's Representative. 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 applications for three occasional licences on 4-17 December 2020 – 18-31 December 2020 and 1-14 January 2021, subject to the conditions set out in Appendix A (page 53).

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 applications for three occasional licences on 4-17 December 2020 – 18-31 December 2020 and 1-14 January 2021, subject to the conditions set out in Appendix A (page 53), namely:

1. Alcohol sold for consumption in the licenced 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 Licenced 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 performance 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 licensed area must be supervised by an SIA Licensed Steward between 6pm and closure on each Friday and Saturday (applies only when the area in use).

Action

Clerk to the Board

6.0 LICENSING (SCOTLAND) ACT 2005: PERSONAL LICENCE

Applicant: David John Marr

Hearing to Consider a Personal Licence Review in respect of David John Marr. Notice in Terms of Section 83(4)(b) of the Licensing (Scotland) Act 2005 received from Police Scotland.

Attending

Mr Paul Fair, Licensing Standards Officer
PC Sanda Trenchard, Police Scotland
David John Marr (Applicant)

The Board heard representations from the Licensing Standards Officer, Police Scotland and the Applicant. The Board had the opportunity to put questions to all parties.

The meeting adjourned at 2.50 pm to consider the personal licence. The meeting reconvened at 3.14 pm.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Board agreed to take no further action.
Moved by Councillor Les Sharp. Seconded by Councillor Dave Clark.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed unanimously to take no further action.

The Board noted that there may be certain circumstances in which Mr Marr would be referred back for consideration by the Licensing Board.

Action

Clerk to the Board

Ends: 3:20 PM

CLACKMANNANSHIRE LICENSING BOARD

MEETING 23 March 2021 at 09:30am

Via MS Teams

Licensing (Scotland) Act 2005

Personal Licence(s) Grant

No.	Applicant	Date Received	Comments
1.	Sara Quinn c/o Dept 10228, Licensing The Co-operative Food 1 Angel Square Manchester M60 0AG	29 January 2020	Personal Licence granted under delegated powers
2.	Iain Eric Fyfe	06 February 2020	Personal Licence granted under delegated powers
3.	Fiona Stewart	13 February 2020	Personal Licence granted under delegated powers
4.	Daisy Thomas	03 March 2020	Personal Licence granted under delegated powers
5.	Annette Wilson c/o Morton Fraser LLP Quarter Mile 2 Lister Square Edinburgh EH3 9GL	03 March 2020	Personal Licence granted under delegated powers
6.	Iain Paterson	03 March 2020	Personal Licence granted under delegated powers
7.	Sean Ingham	05 March 2020	Personal Licence granted under delegated powers
8.	Anthony Stevens	14 July 2020	Personal Licence granted under delegated powers
9	Kathleen Jane McMullan	14 July 2020	Personal Licence granted under delegated powers

10.	Tammy Louise Brown McGillon c/o JD Wetherspoon Plc Legal Department Wetherspoon House PO Box 616 Watford Hertfordshire WD24 4QU	05 August 2020	Personal Licence granted under delegated powers
11.	Kirsty Fenwick	11 August 2020	Personal Licence granted under delegated powers
12.	Jennifer Tully	01 September 2020	Personal Licence granted under delegated powers
13.	Louise Dewar	01 September 2020	Personal Licence granted under delegated powers
14.	Mathew McCard	01 September 2020	Personal Licence granted under delegated powers
15.	Mohammad Kashif Ali	01 September 2020	Personal Licence granted under delegated powers
16.	Mohammad Adam Ali	01 September 2020	Personal Licence granted under delegated powers
17.	Shamim Aktar Ali	01 September 2020	Personal Licence granted under delegated powers
18.	Keir McIntosh c/o Belhaven Pubs Atrium House 6 Back Walk Stirling FK8 2QA	18 September 2020	Personal Licence granted under delegated powers
19.	Stephen William Richards c/o CPL Training Bridge Court Unit 3 110 Canning Street Birkenhead CH41 1EW	06 October 2020	Personal Licence granted under delegated powers

20.	Natalie McKerracher Scottish Midland Co-op Society Hillwood House Harvest Drive Newbridge EH28 8QJ	14 October 2020	Personal Licence granted under delegated powers
21	Manzoor Hussain	18 November 2020	Personal Licence granted under delegated powers
22.	Linda Watson	20 November 2020	Personal Licence granted under delegated powers
23.	Lisa Kirsten McIntosh c/o CPL Training Bridge Court Unit 3 110 Canning Street Birkenhead CH41 1EW	18 January 2021	Personal Licence granted under delegated powers
24.	Scott Bolton c/o CPL Training Bridge Court Unit 3 110 Canning Street Birkenhead CH41 1EW	19 January 2021	Personal Licence granted under delegated powers
25	Nicola Rennie c/o CPL Training Bridge Court Unit 3 110 Canning Street Birkenhead CH41 1EW	04 March 2021	Personal Licence granted under delegated powers

CLACKMANNANSHIRE LICENSING BOARD

MEETING 23 March 2021 at 09:30am

Via MS Teams

Licensing (Scotland) Act 2005

Personal Licence(s) Renewals with Refresher Training

No.	Applicant	Date Received	Comments
1.	Stephen Alexander Polley	13 February 2020	Personal Licence granted under delegated powers
2.	Michael Stephen Polley	13 February 2020	Personal Licence granted under delegated powers
3.	David John Marr c/o Morrisons plc Hilmore House Gain Lane Bradford West Yorkshire BD3 7DL	17 February 2020	Personal Licence granted under delegated powers
4.	Martha Deborah Wilson	10 March 2020	Personal Licence granted under delegated powers
5.	Alan Skilton	07 September 2020	Personal Licence granted under delegated powers

CLACKMANNANSHIRE LICENSING BOARD

MEETING 23 March 2021 at 09:30am

Via MS Teams

Licensing (Scotland) Act 2005

Personal Licence(s) Refresher Training

No.	Applicant	Date Received	Comments
1.	Martin James Malley c/o WM Morrisons Licensing Department Hilmore House Gain Lane Bradford West Yorkshire BD3 7DL	25 March 2020	Personal Licence Refresher Training granted under delegated powers
2.	Graeme Galloway c/o Tesco Stores Ltd Licensing Team Cirrus C Shire Park Welwyn Garden City Hertfordshire AL7 1ZR	02 April 2020	Personal Licence Refresher Training granted under delegated powers
3.	John Blake	09 April 2020	Personal Licence Refresher Training granted under delegated powers
4.	Stacy Stuart c/o CPL Training Unit 3, Bridge Court 110 Canning Street Birkenhead CH41 1EW	20 November 2020	Personal Licence Refresher Training granted under delegated powers
5.	Richard Dewar c/o CPL Training Unit 3, Bridge Court 110 Canning Street Birkenhead CH41 1EW	20 November 2020	Personal Licence Refresher Training granted under delegated powers

5.	Lisa Levett c/o Macdonald Licensing 21A Rutland Square Edinburgh	01 December 2020	Personal Licence Refresher Training granted under delegated powers
-----------	---	-------------------------	---

CLACKMANNANSHIRE LICENSING BOARD

MEETING 23 March 2021 at 09.30am

Via MS Teams

Licensing (Scotland) Act 2005

Variation(s) (Minor)

Premises	Applicant	Date Received	Comments
Turnpike Tavern 22 Cobden Street Alva FK12 5AA	Alan Bradie	11 February 2020	Minor Variation to vary Designated Premises Manager granted under delegated powers
Crams Bar 8 Candleriggs Alloa FK10 1EA	Partnership Sharon & Andrew McKnight	11 February 2020	Minor Variation to vary Designated Premises Manager granted under delegated powers
Oakwood Lounge Fairfield Sauchie FK10 3HP	Alan Bradie	19 March 2020	Minor Variation to vary Designated Premises Manager granted under delegated powers
The Royal Oak Hotel 7 Bedford Place Alloa FK10 1LJ	Alan Bradie	30 June 2020	Minor Variation to vary Designated Premises Manager granted under delegated powers
Red Lion 148 High Street Tillicoultry FK13 6DU	Punch Partnership (PTL) Limited c/o Gilson Gray Solicitors 160 West George Street Glasgow G2 2HG	09 July 2020	Minor Variation to vary Designated Premises Manager granted under delegated powers

McColls 93-95 Main Street Sauchie FK10 3JT	Martin McColl Ltd c/o Lockett & Co Lockett House 13 Church Street Kidderminster Worcestershire DY102AH	14 September 2020	Minor Variation to vary Designated Premises Manager granted under delegated powers
Drysdale & Sons 35 Drysdale Street Alloa FK10 1JL	Xayam 8 Ltd Limetree House Alloa FK10 1EX	17 September 2020	Minor Variation to vary Designated Premises Manager granted under delegated powers
Co-op 44 Tullibody Road Alloa FK10 2LX	Co-operative Group Food Limited c/o Hill Brown Licensing RWF House 5 Renfield Street Glasgow G2 5EZ	29 September 2020	Minor Variation to vary Designated Premises Manager granted under delegated powers
Premier Medwyn Convenience Store 1 Medwyn Place Alloa FK10 2JL	Sukwuir Kaur c/o GNE Consultancy 47 Wallace Brae Drive Reddingmuirhead Falkirk FK2 0FB	16 October 2020	Minor Variation to vary Designated Premises Manager granted under delegated powers
Premier 11 Lornshill Crescent Alloa FK10 2JL	JSK (Retail) Limited c/o GNE Consultancy 47 Wallace Brae Drive Reddingmuirhead Falkirk FK2 0FB	14 January 2021	Minor Variation to vary Designated Premises Manager granted under delegated powers
Gartmorn Lounge Posthill Sauchie FK10 3NS	Alan Bradie	08 February 2021	Minor Variation to vary Designated Premises Manager granted under delegated powers
Menstrie Filling Station 1 Main Street Menstrie FK11 7BX	Yasin Ghulam	10 February 2021	Minor Variation to vary Designated Premises Manager granted under delegated powers

Report to the Licensing Board

Date of Meeting: 23 March 2021 at 09.30am

Subject: Revocation of Personal Licences

Report by: Licensing Administrator

1.0 Purpose

- 1.1 The Licensing (Scotland) Act 2005 prescribes that all personal licence holders must undergo mandatory training in a form prescribed by the Scottish Ministers no later than 3 months following the period beginning 5 years from the date that the personal licence was issued.
- 1.2 The Board is therefore asked to take the following procedural steps to deal with the matters contained in this report.

2.0 Recommendation

- 2.1 That the Board makes a formal decision to revoke the personal licences set out in the table appended to this report in terms of section 87(3) of the Licensing (Scotland) Act 2005.

3.0 Considerations

- 3.1 The 2005 Act prescribes that all personal licence holders must undertake refresher training and thereafter provide the Board with confirmation of the completed training within a period of 5 years and 3 months following the date of the issue of the licence. Where the licence holder fails to do so, the Board must revoke the licence.
- 3.2 The Board is required to notify all licence holders not less than 3 months before the expiry of the requirement to undertake and provide evidence of refresher training. The Board first wrote to affected licence holders in November 2019 subsequent reminders have been sent to remind them of this requirement. The Coronavirus (Scotland) Act 2020 amends the 2005 Act to allow for an extension of time where the failure to comply has been as a result of coronavirus. None of the licence holders listed in appendix one has indicated this is the case and it is understood that training has been available virtually.
- 3.3 The licence holders identified in the table at appendix 1 have failed to comply with the requirements under the 2005 Act. The Board must therefore revoke the licences.

4.0 Sustainability Implications

4.1. None

5.0 Resource Implications

5.1. *Financial Details*

5.2. None

5.3. *Staffing*

The impact of this procedural step will be absorbed into existing resources.

6.0 Equalities Impact

6.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? Yes
No

7.0 Legality

7.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

8.0 Appendices

8.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

8.2 Appendix 1 - Table of Personal Licences to be revoked

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
June Andison	Licensing Administrator	2091

Approved by

NAME	DESIGNATION	SIGNATURE
Lindsay Thomson	Clerk to the Licensing Board	

Name	Reference Number	Name	Reference Number	Name	Reference Number
Eric Williams	CC603	Yan Ying Lin	CC604	Kelly- Anne McQueen	CC606
Mohammed Kashif Ahmed	CC610	Stewart Cairns Gilbert	CC611	Martyn William Baxter	CC612
Claire Louise Riddock	CC608	Kaniz Akhtar Irbahim	CC613	Megan Lenaghan	CC616
Martyn McDonald	CC615	Matthew John Gregory	CC614	Cossar Akthar	CC617
Zaida Akthar	CC618	Aisha Naz	CC619	Margaret Dixon	CC621
Louise Macleod	CC622	Ainslie Helen Jane Anderson	CC626	Carole Rose Harkness	CC627
Clare Janet Gibson	CC624	Leanne Stone	CC629	Theresa Raida	CC630
Harry Spence	CC632	Irene Spiewak	CC634	Jamie Milligan	CC633
Wasim Akhtar	CC635	Don Robertson	CC628	Lynsey O'Brien	CC637
Ewan Hammond	CC638	Kayleigh Louise Gaunt	CC640	Arthur Burns	CC641
Leigh Elizabeth Dorricott	CC642	Rafal Czech	CC644	Brooklyn Warkentin	CC648
Elizabeth Arlene McCormack	CC645	Stuart Craig	CC647	Gillian Kennedy	CC653
Karen Helen Wallace	CC654	William Keith Stott	CC650	Lynne Fyfe	CC657
Ann Myles	CC656	Janet Miller	CC 655	Dean Andrew McGregor	CC659
Veronica Lenaghan	CC661	Malcolm Isdale	CC662	Rowena Lewico	CC660
Veronica Ann Honeyman	CC661	Noor Ud Din Jhangir	CC666	Megan McLean	CC669
Cherie Reynolds	CC667	Donna Louise Shand	CC672	Martin Price	CC673



**THIS PAPER RELATES TO
ITEM 6
ON THE AGENDA**

Memo

To: **The Clerk to the Licensing Board
Greenfield
Alloa
FK10 2AD**

From: **Paul Fair
Licensing Standards Officer**

Extension: **2091**

Email: **pfair@clacks.gov.uk**

Our Ref: **PF/LSO/S28/CC196**

Your Ref:

Date: **12 March 2021**

Subject: **Licensing (Scotland) Act, 2005, Section 28
Premises - ceased to be used for the sale of alcohol.
Little Greens Alloa, 1 Mill Road, Alloa.
Eros Retail Limited.**

1. The Licensing (Scotland) Act 2005, section 28(1)(b) & 28(5)(b) provides that if licensed premises in respect of which a premises licence has been issued cease to be used for the sale of alcohol, then the premises licence ceases to have effect. Once this stage has been reached the licence cannot be reinstated without a new application being lodged.
2. Eros Retail Limited, 81 Dollar Crescent, Kirkcaldy is the holder of Premises Licence No. CC0196 relating to the premises known as Little Greens Alloa, 1 Mill Street.
3. The premises previously operated as a local mini market and Post office, however for quite a significant period the retail outlet has been closed and the premises operate only as a Post Office only.
4. Significant parts of the retail shopfittings have been removed, including all parts of the approved alcohol display area.
5. The currently named premises manager Fraser Rolley left the employment of Eros Retail on 12 May, 2020. Clackmannanshire Licensing Board have not received the statutory notification of this event from the licence holders
6. Information available suggests that retail area of premises closed on 8 August 2019, however re-opened at some point after that trading solely as a post office
7. Enquiry has revealed that Eros retail Limited no longer has any connection with the premises at 1 Mill Street, Alloa, the lease period with the landlord having ended.

8. No application has been received from any party to transfer the licence.
9. The annual fee for the premises licence for the period 2020-2021 has not been paid.
10. Currently there is no Premises Manager named on the licence, there is no alcohol on display at the premises and none of the statutory licensing notices or documents are on display.
11. It is quite clear that in all the circumstance the premises have ceased to be used for the sale of alcohol and I would recommend that Clackmannanshire Licensing Board note the content of this report and confirms by declaration at the next meeting of Clackmannanshire Licensing Board that premises licence No. CC0196 now ceases to have effect, and that they notify the premises licence holder accordingly.

Paul Fair

Licensing Standards Officer