



**MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held via Video Conference (MS Teams), on TUESDAY 27 APRIL 2021 at 9.30 am.**

**PRESENT**

Councillor Kenneth Earle (Chair)  
Councillor Martha Benny  
Councillor Dave Clark  
Councillor Helen Lewis  
Councillor George Matchett, QPM  
Councillor Mike Watson

**IN ATTENDANCE**

June Andison, Licensing Administrator  
Paul Fair, Licensing Standards Officer  
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 and Councillor Les Sharp.

**2.0 DECLARATIONS OF INTEREST**

Councillor Helen Lewis declared a non-financial interest in Item 5(iii) Application for Non Minor Variation at Braehead Golf Club, as she is a Life Member of the Club. Councillor Lewis advised that having considered the objective test set out within the Councillors' Code of Conduct, she would remain in the meeting and participate in this item of business.

Councillor Helen Lewis also declared a non-financial interest in Item 8(iii) Occasional Licence Application for Hillfoots Rugby Club, as she is a current, active member. Having considered the objective test set out within the Councillors' Code of Conduct, Councillor Lewis advised that she would not participate in this item of business and would leave the meeting for the duration of that item.

**3.0 MINUTES OF MEETING OF CLACKMANNANSHIRE LICENSING BOARD HELD ON 23 MARCH 2021**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 23 March 2021 were submitted for approval.

**Decision**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 23 March 2021 were agreed as a correct record and signed by the Chair.

Agenda items 4(i) and 4(ii) were put before the Board for information only as they had been granted under delegated powers. Items 4(i) and 4 (ii) were considered together as one item.

#### **4.0 LICENSING (SCOTLAND) ACT 2005**

##### **(i) Applications for Personal Licences – Granted Under Delegated Powers**

A list of applications for personal licences which had been granted under delegated powers was put before the Board for information only.

##### **Decision**

The Board agreed to note that the Personal Licence applications had been granted under delegated powers.

##### **(ii) Applications for Personal Licence (Renewals with Refresher Training) – Granted Under Delegated Powers**

A list of applications for personal licence renewals with refresher training which had been granted under delegated powers was put before the Board for information only.

##### **Decision**

The Board agreed to note that the applications for personal licence renewals with refresher training had been granted under delegated powers.

#### **5.0 LICENSING (SCOTLAND) ACT 2005 – APPLICATIONS FOR VARIATIONS (NON MINOR)**

##### **(i) Hearing to Consider application for Variation (Non Minor) at Premier 11 Lornshill Crescent, Alloa, FK10 2JL**

**Premises:** Premier, 11 Lornshill Crescent, Alloa, FK10 2JL

**Applicant:** JSK Retail (GLW) Limited, 3 Medwyn Place,  
Alloa, FK10 1NG

##### **Attending**

Mr Gordon Emslie, GNE Consultancy Limited, Agent for the Applicant

The Board heard representation from Mr Emslie as Agent for the Applicant. There were no objections/representations received from the Licensing Standards Officer or Police Scotland.

##### **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).

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 application for Variation (Non Minor).

##### **Action**

Clerk to the Board

(ii) **Hearing to Consider application for Variation (Non Minor) at Bobbing John, 46 Drysdale Street, Alloa, FK10 1EB**

**Premises:** Bobbing John, 46 Drysdale Street, Alloa, FK10 1EB  
**Applicant:** JD Wetherspoon PLC, PO Box 616, Watford, WD24 4QU

**Attending**

Mr Archie Mclver, Solicitor, Brunton Miller Solicitors, Agent for the Applicant  
Mr Paul Fair, Licensing Standards Officer

The Board heard representation from Mr Mclver as Agent for the Applicant and from the Licensing Standards Officer, Mr Fair. There were no objections/representations received from Police Scotland.

**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 (pages 44 and 45) of the Licensing Standards Officer's report with an additional local condition number 20 to read "The Licence holder shall be entitled to operate the outdoor drinking area located at the front of the premises, on the footpath known as Drysdale Street, Alloa area from 1 April until 30 September and on no other dates each year".

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

**Decision**

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 (pages 44 and 45) of the Licensing Standards Officer's report with an additional local condition number 20 to read "The Licence holder shall be entitled to operate the outdoor drinking area located at the front of the premises, on the footpath known as Drysdale Street, Alloa area from 1 April until 30 September and on no other dates each year". These conditions are set out below:

1. Consumption of alcohol in an outdoor drinking is not permitted after 10.00pm.
2. 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.
3. **(For Licensed public spaces only)** All equipment such as tables, chairs and barriers must be removed from any outdoor drinking area located in a public space or public footpath, by no later than 10:00pm each night.
4. **(For Licensed public spaces only)** An outside can only be occupied by persons seated at a table.
5. **(For Licensed public spaces only)** The licence holder must ensure that alcohol consumed by persons in an outside Area, are seated at a table.
6. No entertainment, live or recorded music or performances will be permitted in any outdoor area.
7. Customers using the outdoor drinking area shall at all times be supervised and/or monitored to ensure that 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.

8. 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 drinking area.
9. Where the outdoor drinking area 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.
10. The outdoor drinking area must not be used for any purpose which is likely to cause annoyance to neighbours through smell, for example, the use of barbecues.
11. Any facility or equipment 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.
12. The licence holder should insofar as practical provide plastic or other suitable non-glass drinking containers for use in the outdoor drinking area(s). The licence holder should seek to take all necessary steps to prevent customers taking glasses and in particular glass bottles into the outdoor drinking area. (In accordance with condition No 18 this is a requirement for public space outdoor areas)
13. Where smoking is permitted in the outdoor drinking area, ashtrays or other suitable receptacles will be provided.
14. 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.
15. 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 trained in relation to it. This Document must also be available on the premises for inspection by the Licensing Standards Officer.
16. 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 conditions may relate to such matters as, Noise, Conduct of Customers, Children's and Young Person's Access to the Area, Permitted hours of use.
17. **(For Licensed public spaces only)** 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 Outdoor Drinking Area.
18. **(For Licensed public spaces only)** 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.
19. **(For Licensed public spaces only)** 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).

20. The Licence holder shall be entitled to operate the outdoor drinking area located at the front of the premises, on the footpath known as Drysdale Street, Alloa area from 1 April until 30 September and on no other dates each year

**Action**

Clerk to the Board

*The Chair advised that as the representatives from Braehead golf Club were not in attendance, he would defer consideration of Item 5iii until the end of the meeting to give them the opportunity to attend.*

**6.0 LICENSING (SCOTLAND) ACT 2005 – APPLICATION FOR PROVISIONAL PREMISES LICENCE**

**(i) Hearing to Consider application for provisional premises licence at Heart Of Scotland Distillery Limited, 10 Main Street, Clackmannan, FK10 4JA**

**Premises:** Heart Of Scotland Distillery Limited, 10 Main Street, Clackmannan, FK10 4JA

**Applicant:** Heart Of Scotland Distillery Limited, 10 Main Street, Clackmannan, FK10 4JA

**Attending**

Mr Paul Fair, Licensing Standards Officer

The Board heard representation from the Licensing Standards Officer, Mr Fair. There were no objections/representations received from Police Scotland. The applicant had been unable to attend due to work commitments.

**Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for a provisional premises licence subject to the conditions set out in Appendix A (page 80) of the Licensing Standards Officer's report with an amended condition 3 to read "No sales promotional material can be displayed at or near the premises".

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 granted the application for a provisional premises licence subject to the conditions set out in Appendix A (page 80) of the Licensing Standards Officer's report with an amended condition 3 to read "No sales promotional material can be displayed at or near the premises". These conditions are set out below:

1. No retail customers will be permitted into any part of the licensed premises;
2. Alcohol can not be sold and supplied directly to retail customers at the premises;
3. No sales promotional material can be displayed at or near the premises;
4. Deliveries of alcohol made by any person connected to Heart of Scotland Distillery Limited will only be made by persons who are either a personal licence holder or have trained to at least the minimum standards contained within the Licensing (Training of Staff) (Scotland) Regulations 2007. A formal record of this training should be kept on the premises and a copy of the record of training should be carried by the individual making the deliveries;
5. The delivery book and other documentation required by section 119(1)(a) of the Licensing (Scotland) Act 2005 will be retained and kept on the licensed premises for a period of at

least 1 year from the date of the most recent delivery recorded in said book

6. The documents referred to in Condition No 5 above will be made available for examination to a constable or Licensing Standards Officer for the area on demand; and
7. The disposal, handling or processing of glass containers, or of any other articles likely to cause noise nuisance is not permitted between 6pm and 8am (Monday to Friday) and between 4pm and 9am (Saturday and Sunday).

**Action**

Clerk to the Board

**7.0 LICENSING (SCOTLAND) ACT 2005 – APPLICATION FOR PREMISES LICENCE**

**(i) Hearing to consider grant of application for premises licence at Auld Brigg Filling Station**

**Premises:** Auld Brigg Filling Station

**Applicant:** Penny Petroleum, c/o TLT Solicitors, Hobart House, 80 Hanover Street, Edinburgh, EH2 1EL

**Attending**

Mr Paul Fair, Licensing Standards Officer

Ms Caroline Loudon, Agent, TLT Solicitors

Mr David Miller, Area Manager, Penny Petroleum

The Board heard representation from Ms Caroline Loudon, TLT Solicitors as agent for Penny Petroleum and from the Licensing Standards Officer, Mr Fair. There were no objections/representations received from Police Scotland.

**Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for a premises licence.

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

**Voting**

|                            |              |
|----------------------------|--------------|
| <b>For the motion</b>      | 4 votes      |
| <b>Against the motion</b>  | 1 vote       |
| <b>Abstain from voting</b> | 1 abstention |

**Decision**

On a division of 4 votes to 1 with 1 abstention, having considered all of the information presented to it and having had opportunity for questions, the Board granted the application for a premises licence for the Auld Brigg Filling Station.

**Action**

Clerk to the Board

## **8.0 LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR OCCASIONAL LICENCES**

The Clerk advised that Items 8i and 8iii on the Licensing Agenda had previously been considered at a Licensing Board Sub Committee held on 23 April 2021, therefore were not being considered today.

Councillor Helen Lewis, having previously declared an interest in this item of business, withdrew from the meeting for the duration of this item.

- (ii)     **Premises:**     Hillfoots Rugby Football Club, Lower Mill Street, Tillicoultry, FK13 6BP
- Applicant:**     Hillfoots Rugby Football Club, Lower Mill Street, Tillicoultry, FK13 6BP
- Dates:**         20 April – 13 May 2021  
                              14 - 30 May 2021  
                              31 May – 13 June 2021

### **Attending**

Mr Paul Fair, Licensing Standards Officer

Mr Eddie Inglis, Hillfoots Rugby Football Club (Applicant's 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 20 April – 13 May 2021, 14 – 30 May 2021 and 31 May – 13 June 2021, subject to the conditions set out in Appendix A (page 155) of the Licensing Standards Officer's Report.

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 granted the applications for three occasional licences on 20 April – 13 May 2021, 14 – 30 May 2021 and 31 May – 13 June 2021, subject to the conditions set out in Appendix A (page 155) of the Licensing Standards Officer's Report, 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 and obviously 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; and

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

Due to technical difficulties, Councillor Helen Lewis did not re-join the meeting at the conclusion of the above item of business.

#### **9.0 AOCB - LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR OCCASIONAL LICENCES**

- (i) **Premises:** Holly Tree Inn, Main Street East, Menstrie, FK11 7BJ
- Applicant:** Caledonian Heritable Limited c/o Inn business (Scotland), forsyth House, Lomond Court, Castle business Park, Stirling, FK9 4TU
- Dates:** 26 April – 9 May 2021  
10 - 23 May 2021  
24 May – 6 June 2021  
7 – 20 June 2021

#### **Attending**

Mr Paul Fair, Licensing Standards Officer

Mr Andrew Thomson, Solicitor representing Caledonian Heritable Limited, The Holly Tree

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 four occasional licences on 26 April – 9 May 2021, 10 – 23 May 2021, 24 May – 6 June 2021 and 7 – 20 Jun 2021, subject to the conditions set out in Appendix A (page 196) of the Licensing Standards Officer's Report.

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 granted the applications for four occasional licences on 26 April – 9 May 2021, 10 – 23 May 2021, 24 May – 6 June 2021 and 7 – 20 Jun 2021, subject to the conditions set out in Appendix A (page 196) of the Licensing Standards Officer's Report, 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 Holly Tree Inn;
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. Only alcohol sold by the Hollytree Inn will be permitted by the licence holder to be consumed in the outdoor area;
6. 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;
7. No entertainment, live or recorded music or performances will be permitted in any outdoor area; and
8. Whilst under any level of Scottish COVID 19 restrictions, 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

The Chair returned to Item 5(iii) on the Agenda. As there remained no-one in attendance from Braehead Golf Club, the Chair agreed to proceed with the item in their absence.

**5 (iii) Hearing to Consider application for Variation (Non Minor) at Braehead Golf Club, Alloa, FK10 2NT**

**Premises:** Braehead Golf Club, Alloa, FK10 2NT  
**Applicant:** Braehead Golf Club, Alloa, FK10 2NT

**Attending**

Mr Paul Fair, Licensing Standards Officer

The Board heard representation from the Licensing Standards Officer, Mr Fair. There were no objections/representations received from Police Scotland.

**Motion 1**

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 bold** in Appendix A (pages 63 and 64) of the Licensing Standards Officer's report.

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

**Motion 2**

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 their entirety** in Appendix A (pages 63 and 64) of the Licensing Standards Officer's report.

Moved by Councillor Mike Watson. Seconded by Councillor Martha Benny.

**Voting**

For Motion 1 3 votes  
 For Motion 2 2 votes

Motion 1 was carried by 3 votes to 2.

**Decision**

On a division of 3 votes to 2, having considered all of the information presented to it and having had opportunity for questions, the Board granted the application for Variation (Non Minor) subject to the conditions set out **in bold** in Appendix A (pages 63 and 64) of the Licensing Standards Officer's report, namely:

## **Premises with Outdoor Drinking Areas**

- **Consumption of alcohol in the outdoor drinking areas is not permitted after 10.00pm.**
- **No live or recorded music, live performances or other entertainment is permitted within the outdoor drinking areas.**
- **Customers using the outdoor drinking areas shall at all times be supervised and/or monitored to ensure that 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.**
- **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.**
- **The licence holder should insofar as practical provide plastic or other suitable non glass drinking containers for use in the outdoor drinking area(s). The licence holder should seek to take all necessary steps to prevent customers taking glasses and glass bottles into the outdoor drinking area.**
- **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.**
- **The Premises Licence Holder must prepare a document for the benefit of the current Office Bearers, committee and members and for 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 trained 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**
  - **Permitted hours of use**
- **Outdoor drinking areas which are adjacent to a public place, car park 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.**

- **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 on the licensed premises can be consumed in the outdoor areas.**

**Action**

Clerk to the Board

Ends: 11:32 hrs