



**MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held via in
Council Chambers, Kilncraigs, Alloa, on TUESDAY 30 AUGUST 2022 at 9.30 am.**

PRESENT

Councillor Martha Benny
Councillor Donald Balsillie (from 9.49 am)
Councillor Kenneth Earle (Via Teams)
Councillor William Keogh
Councillor Fiona Law
Councillor Mark McLuckie (Via Teams)

IN ATTENDANCE

June Andison, Licensing Administrator
Paul Fair, Licensing Standards Officer
Anne McPherson, Business Support Officer
Richard Thompson, Solicitor, (Clerk to the Board)
Melanie Moore, Committee Services
Gillian White, Committee Services

1.0 APOLOGIES

Apologies were received from Councillor Darren Lee and Councillor Graham Lindsay.

2.0 DECLARATIONS OF INTEREST

None

3.0 APPOINTMENT OF CHAIR, CLACKMANNANSHIRE LICENSING BOARD

The Clerk welcomed everyone to the first meeting of the new Clackmannanshire Licensing Board. Nominations for appointment of the chair were requested. Councillor William Keogh moved to appointment Councillor Kenneth Earle, seconded by Councillor Martha Benny. The Board unanimously agreed to appointment Councillor Earle as the chair of the Clackmannanshire Licensing Board. Councillor Earle took the Chair Via MS Teams.

Councillor Earle thanked everyone for their recent condolences to him.

Agenda items 4(i) to 4(iv) were put before the Board for information only as they had been granted under delegated powers. Items 4(i) to 4(iv) 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 Licences Refresher Training – Granted Under Delegated Powers

A list of applications for Personal Licenses 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 Refresher Training had been granted under delegated powers.

(iii) Applications for Transfer of Premises Licence – Granted Under Delegated Powers

A list of applications for the transfer or premises licence 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 transfer of premises licence had been granted under delegated powers.

(iv) Applications for Minor Variations – Granted Under Delegated Powers

A list of applications for minor variations 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 minor variations had been granted under delegated powers.

5.0 LICENSING (SCOTLAND) ACT 2005 – EXTENDED HOURS

- (i) Premises:** Premier Bingo, 52 Mill Street, Alloa
Applicant: Premier Bingo, 37 Springhill Brae, Crossgates, Fife
Date: 3 September 2022
Event: Party Night and Live 80's Theme Band

Attending

Mr Paul Fair, Licensing Standards Officer
Peter Connor, Applicants Representative

The Board heard representation from the Licensing Standards Officer. There were no objections 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 extended hours.

Moved by Councillor Mark McLuckie. Seconded by Kenneth Earle.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Board granted the application for extended hours.

Action

Clerk to the Board

The Board agreed to take Item 7(i) next as Applicant and Police Scotland were in attendance,

7. LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE GRANT

(i) Hearing

Attending

Mr Paul Fair, Licensing Standards Officer
PC Sanda Trenchard, Police Scotland
Abbie McAlpine, Applicant
Paul Smith, Applicant's representative

The Board heard representation from the Licensing Standards Officer, Police Scotland and the applicant's representative.

Motion

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

Moved by Councillor Mark McLuckie. Seconded by Donald Balsillie.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Board granted the application for Personal Licence,

Action

Clerk to the Board

6.0 LICENSING (SCOTLAND) ACT 2005 – VARIATION OF LICENCES (NON MINOR)

- (i) Premises:** No 5 Inn, 38 Brook Street, Alva
Applicant: David Hamilton White

Attending

Mr Paul Fair, Licensing Standards Officer
The applicant was not in attendance.

The Board heard representation from the Licensing Standards Officer. There were no objections received from Police Scotland. The Chair advised that on p36, first bullet point had an extra "not" in the sentence. The Licensing Standards Officer advised that he would amend the sentence.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for variation of licence (non minor), subject to the conditions and the additional conditions set out in Appendix A (page 35) of the Licensing Standards Officer's Report.

Moved by Councillor Donald Balsillie. Seconded by Councillor Martha Benny.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Board granted the application for an variation of licence (non minor), subject to the conditions and the additional conditions set out in Appendix A (page 35) of the Licensing Standards Officer's Report, namely:

1. Children and young persons will only be admitted to the premises in accordance with the circumstances detailed in the operating plan (i.e. for meals/drinks and pre booked events) and that any such pre-booked events are recorded in an events diary kept on

the premises. Any such diary should be kept on the premises at all times and be available for inspection by the Police and Licensing Standards Officer at any time when the premises are open.

2. Consumption of Alcohol in the outdoor area is prohibited after 10pm (except on the night of the "Famous Alva Games" where outdoor alcohol consumption will be permitted until no later than 11 pm.
3. The disposal of glass and other waste material likely to generate noise, from the premises, to a bin or other receptacle outside the confines of the building is prohibited between 9.00pm and 8.00am each day.
4. No live or recorded music, live performances or other entertainment is permitted within the outdoor drinking area (with the exception of a seasonal variation to allow live music performances in the outdoor area of the day of the "Famous Alva Games" each year).

In addition to the above conditions the Board also considered the following additional conditions.

1. Consumption of alcohol in the outdoor drinking areas is not permitted after 10.00pm.
2. No live or recorded music, live performances or other entertainment is permitted within the outdoor drinking areas.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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' instruction and any other statutory requirements.
8. 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.
9. Where smoking is permitted in the outdoor drinking area, ashtrays or other suitable receptacles will be provided.
10. 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.
11. 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

12. 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.
13. 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.
14. Only alcohol that has been sold on the premises can be consumed in the outdoor areas.

Action

Clerk to the Board

(ii) **Premises:** Premier, Medwyn Place, Alloa
Applicant: Sukwir Kaur

Attending

Mr Paul Fair, Licensing Standards Officer
The applicant was not in attendance.

The Board heard representation from the Licensing Standards Officer. There were no objections 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 of licence (non minor).

Moved by Councillor Mark McLuckie. Seconded by Councillor Martha Benny.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Board granted the application for an variation of licence (non minor).

Action

Clerk to the Board

8.0 AOCB

No business.

Ends: 10:21 hrs

