



MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held via VIDEO CONFERENCE (MS TEAMS), on TUESDAY 6 DECEMBER 2022 at 9.30 am.

PRESENT

Councillor Kenneth Earle (Chair)
Councillor Martha Benny
Councillor Donald Balsillie
Councillor William Keogh
Councillor Fiona Law
Councillor Darren Lee
Councillor Mark McLuckie

IN ATTENDANCE

June Andison, Licensing Administrator
Paul Fair, Licensing Standards Officer
Richard Thompson, Solicitor, (Clerk to the Board)
Melanie Moore, Committee Services

1.0 APOLOGIES

Apologies were received from Councillor Graham Lindsay.

2.0 DECLARATIONS OF INTEREST

None.

**3.0 MINUTE OF MEETING OF CLACKMANNANSHIRE LICENSING BOARD –
8 NOVEMBER 2022**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 8 November 2022 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 8 November 2022 were agreed as a correct record and signed by the Chair.

4.0 LICENSING (SCOTLAND) ACT 2005

Agenda item 4(i) was put before the Board for information only as it had been granted under delegated powers.

(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.

5.0 LICENSING (SCOTLAND) ACT 2005 – NON MINOR VARIATION

(i) Application for Variation to Licence (Non Minor)

Premises: Bridge Street Bar, 18 Brook Street, Dollar
Applicant: Andrew David Mackie

Attending

Mr Andrew Mackie, Licence Holder
Mr Bruce Harper, Premises Manager
Mr Paul Fair, Licensing Standards Officer

The Board heard representation from the Licensing Standards Officer and the Licence Holder Mr Mackie. There were no objections 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 the Variation of Licence (Non Minor) subject to the conditions set out in Appendix A (page 27) of the Licensing Standards Officer's Report with the removal of the tenth bullet point therein.

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 agreed unanimously to grant the application for the Variation of Licence (Non Minor) subject to the conditions set out in Appendix A (page 27) of the Licensing Standards Officer's Report with the removal of the tenth bullet point in bold below and to the effect of leaving the remaining bullet points, namely:

- In the approved outdoor area the number of patrons using this area may not exceed the number of seated places available for customers.
- In the approved outdoor area alcohol may only be consumed by persons seated at tables in that area.
- Consumptions of alcohol in the outdoor drinking is not permitted after 10.00pm
- All furniture associated with the use of the outdoor area must be cleared from the area by no later than 10:00pm
- No live or recorded music, live performances or other entertainment is permitted within the outdoor drinking area.
- Live or recorded music or televised events on the premises must not be visible or audible within the outdoor area
- 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.
- Customers consuming alcohol must not be permitted to not encroach on to the footpath or any adjoining public area outwith the boundaries or the licensed outdoor drinking area.
- Where the outdoor drinking facility is to be used during the hours or 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, but including vaping or smoking tobacco or other products**
- 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 licenced 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 these 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
- 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 licenced 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 to 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.
- Children and you persons are only permitted to use the outdoor area when accompanied by an adult over the age of 18 years of age who is a parent or other relative or person responsible for their guardianship.
- Only alcohol that has been sold on the premises can be consumed in the outdoor areas.

Action

Clerk to the Board

6.0 REVOCATION OF PERSONAL LICENCES

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. The Board is therefore asked to take the following procedural steps to deal with the matters contained in the report.

Motion

To agree the recommendation as set out in the report.

Moved by Councillor Kenneth Earle. Seconded by Councillor Darren Lee.

Decision

The Board agreed to make a formal decision to revoke the personal licences set out in the table appended to the report in terms of section 87(3) of the Licensing (Scotland) Act 2005.

Action

Clerk to the Board

7.0 AOCB

(i) Statement of Licensing Policy

The Licensing Standards Officer advised that a Statement of Licensing Policy must be published within 18 months of the Local Government elections. The LSO was happy to take forward the role and sought approval from the Board.

The Board agreed that the LSO take forward the role and the Board agreed a short term working group to consider the policy statements.

The Board agreed the following members would form a sub group:

Councillor Kenneth Earle (substitute Councillor Mark McLuckie)
Councillor Donald Balsillie (substitute Councillor Fiona Law)
Councillor Martha Benny (substitute Councillor Darren Lee)

The policy will be circulated for comments in due course and will be published by 6 November 2023.

Action

Clerk to the Board

Ends: 10:28hrs