



MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on TUESDAY 28 NOVEMBER 2017 at 9.30 am.

PRESENT

Councillor Kenneth Earle, Chair (In the Chair)
Councillor Martha Benny
Councillor Dave Clark
Councillor Archie Drummond
Councillor George Matchett, QPM
Councillor Tina Murphy
Councillor Les Sharp

IN ATTENDANCE

June Andison, Licensing Administrator
Paul Fair, Licensing Standards Officer
Stuart McQueen, Solicitor, Depute Clerk to the Board
Melanie Moore, Committee Services
Margaret Summers, Committee Services

1.0 APOLOGIES

Apologies for absence were received from Councillor Craig Holden and Councillor Mike Watson.

2.0 DECLARATIONS OF INTEREST

None

**3.0 MINUTES OF MEETING: CLACKMANNANSHIRE LICENSING BOARD:
26 SEPTEMBER 2017**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 26 September 2017 were submitted for approval.

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

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 26 September 2017 were agreed as a correct record and signed by the Chair.

4.0 LICENSING (SCOTLAND) ACT 2005

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

Moved by Councillor Kenneth Earle. Seconded by Councillor George Matchett, QPM.

(i) Applications for Personal Licence – Granted Under Delegated Powers

A list of personal licence applications numbered 1-8 (inclusive) which had been granted under delegated powers was put before the Board for information only.

Decision

The Board agreed to note that Personal Licence Applications numbered 1-8 (inclusive) had been granted under delegated powers.

(ii) Applications for Variation of Licence (Minor) – Granted Under Delegated Powers

A list of applications numbered 1-5 (inclusive) for variation of licence (minor) which had attracted no objections or representations and had been granted under delegated powers was put before the Board for information only.

Decision

The Board agreed to note that the applications numbered 1-5 (inclusive) for variation of licence (minor) which had attracted no objections or representations had been granted under delegated powers.

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

A list of applications numbered 1-2 (inclusive) for the transfer of premises licence which had attracted no objections or representations had been granted under delegated powers was put before the Board for information only.

Decision

The Board agreed to note that the applications numbered 1-2 for the transfer of premises licence which had attracted no objections or representations had been granted under delegated powers.

5.0 LICENSING (SCOTLAND) ACT 2005 – VARIATION (NON-MINOR)

(i) Application for Variation of Licence (Non-Minor)

Premises: Horseshoe Bar, 17 Main Street, Clackmannan, FK10 4JA

Applicant: Partnership of Curly Lloyds, 9 Balhousie Avenue, Perth, PH1 5NN

The applicant did not attend.

An application for a variation of a licence (non-minor) which had attracted no objections or representations was put before the Board for determination.

The application sought a variation to the commencement hour on Sundays for on sales/off sales from 11.00 am.

Motion

Having considered all of the information presented to it and having determined that no grounds for refusal apply, that the Board grants the application for a variation to the premises licence.

Moved by Councillor Les Sharp. Seconded by Councillor George Matchett, QPM.

Decision

Having considered all of the information presented to it and having determined that no grounds for refusal apply, the Board agreed to grant the application for a variation to the premises licence.

Action

Depute Clerk to the Board

(ii) Application for Variation of Licence (Non-Minor)

Premises: Chalmers, 2 Bank Street, Alloa, FK10 1HP

Applicant: Milimia Limited, c/o Andrew D Williams, CBC House, 24 Canning Street, Edinburgh, EH3 8EG

Attending

Mr Andrew Henderson, Company Director (Applicant)

Mr Andrew Williams, Milimia Ltd, Agent for the Applicant

Mr Paul Fair, Licensing Standards Officer

The Depute Clerk advised that a site visit to these premises by the Licensing Board had taken place on 27 November 2017.

The Board heard from Mr Andrew Williams on behalf of the applicant. Mr Williams confirmed for the Board that the applicant seeks to amend the application (page 47) to indicate that children and young persons will only be permitted entry when the premises are being used for the showing of films, children under the age of 10 years will require to be accompanied by an adult at all times. All children require to be accompanied by an adult after 8pm. The definition of 'children' was confirmed as being under 16 years old and 'young persons' as being 16-17 years old.

The Board heard from Mr Paul Fair, Licensing Standards Officer. The LSO welcomed the amendment and confirmed that he had no concerns or objection to the amended application.

Motion

Having considered all of the information presented to it and having determined that no grounds for refusal apply, that the Board grants the amended application for a variation to the premises licence subject to a local condition being imposed that confirms that alcohol cannot be sold, served or consumed on the premises between 1am and 3am on a Friday, except when that alcohol is sold to patrons attending a pre-planned cinematic screening.

Moved by Councillor Les Sharp. Seconded by Councillor Archie Drummond.

Decision

Having considered all of the information presented to it and having determined that no grounds for refusal apply, the Board agreed unanimously to grant the amended application for a variation to the premises licence subject to a local condition being imposed that confirms that alcohol cannot be sold, served or consumed on the premises between 1am and 3am on a Friday, except when that alcohol is sold to patrons attending a pre-planned cinematic screening.

The amended application confirms that children and young persons will only be permitted entry when the premises are being used for the showing of films, children under the age of 10 years will require to be accompanied by an adult at all times. All children require to be accompanied by an adult after 8pm.

Action

Depute Clerk

The order of business was rearranged by the Chair at this point in the proceedings to facilitate the applicant and his agent attending for agenda item 5(ii) (Non Minor Variation) and agenda item 07 (AOCB - Extended Hours Application).

7.0 LICENSING (SCOTLAND) ACT 2005 – EXTENDED HOURS APPLICATION

(i) Application for Extended Hours

Applicant: Milimia Ltd, St Davids, George Street, Bathgate, West Lothian, EH48 1PH

Premises: Chalmers, 2A Bank Street, Alloa, FK10 1PH

Event: Cinema Movie Premier Showing – 13 December 2017

Attending

Mr Andrew Henderson, Company Director (Applicant)

Mr Andrew Williams, Milimia Ltd, Agent for the Applicant

Mr Paul Fair, Licensing Standards Officer

An application for extended hours, together with the Licensing Standards Officer's report in terms of Section 69(3) thereon was put before the Board for determination.

The application sought to extend the terminal hour of the trading period that begins on Wednesday 13 December 2017 from 1.00 am until 3.00 am to facilitate the sale of alcohol at a movie premier (Star Wars the Last Jedi) to be shown on the premises when the premises are in operation as a cinema.

Motion

Having heard representation from the Applicant and having considered the content of the application and taken into account the Licensing Standards Officer's report dated 22 November 2017 that the application for extended hours be granted.

Moved by Councillor Les Sharp. Seconded by Councillor George Matchett, QPM.

Decision

Having heard representation from the Applicant and having considered the content of the application and taken into account the Licensing Standards Officer's report dated 22 November 2017 the Board agreed unanimously to grant the application for extended hours.

Action

Depute Clerk to the Board

6.0 CESSATION OF PREMISES LICENCE NO. CC0194

A report was submitted by the Depute Clerk to the Licensing Board which advised the Board of the cessation of Premises Licence No. CC0194 (Ballantynes Bistro, 3-5 Hill Street, Tilllicoultry) by operation of law.

On 28 September 2017, the Licensing Standards Officer sent a memo to the Clerk to the Board advising that, having visited the premises, it was clear the premises were no longer being used as a restaurant and had been converted to an estate agency. An email received from the premises licence holder dated 9 November 2017 confirms this position.

Motion

That the Board notes the information contained in the memo from the Licensing Standards Officer and further notes that the Premises Licence No. CC0194 ceased to have effect by operation of law in April 2017.

Moved by Councillor George Matchett, QPM. Seconded by Councillor Archie Drummond.

Decision

The Board agreed to note the information contained in the memo from the Licensing Standards Officer and further agreed to note that Premises Licence No. CC0194 ceased to have effect by operation of law in April 2017.

Following the conclusion of the Licensing Board Meeting, Councillor Sharp noted that this was the final meeting that Stuart McQueen would attend in his capacity as Depute Clerk to Clackmannanshire Licensing Board. On behalf of the Board, the Chair thanked Stuart for his input as Depute Clerk to Clackmannanshire Licensing Board and wished him every success in his new post with Perth and Kinross Council.

Ends 1015 hrs

