



MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on TUESDAY 22 MAY 2018 at 9.30 am.

PRESENT

Councillor Kenneth Earle, (Chair)
Councillor Martha Benny
Councillor Dave Clark
Councillor Craig Holden
Councillor Helen Lewis
Councillor George Matchett, QPM
Councillor Tina Murphy
Councillor Les Sharp

IN ATTENDANCE

June Andison, Licensing Administrator
Anne McPherson, Administration Assistant (Licensing)
Paul Fair, Licensing Standards Officer
Lindsay Thomson, Service Manager, Legal and Democracy (Clerk to the Board)

1.0 APOLOGIES

Apologies for absence were received from Councillor Tina Murphy and Councillor Mike Watson.

2.0 DECLARATIONS OF INTEREST

Councillor Helen Lewis declared an interest in Items 5 (ii) and (iv) as she is a member of Hillfoots Rugby Club. Councillor Lewis advised that she would not participate or vote on these items of business.

**3.0 MINUTES OF MEETING: CLACKMANNANSHIRE LICENSING BOARD:
24 APRIL 2018**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 24 April 2018 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 24 April 2018 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.

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

A personal licence application 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 Application had been granted under delegated powers.

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

An application for a minor variation to vary the Designated Premises Manger for One Stop, 131 Stirling Street, Alva, FK12 5EF, which had been granted under delegated powers, was put before the Board for information only.

Decision

The Board agreed to note that an application for a minor variation to vary the Designated Premises Manger for One Stop, 131 Stirling Street, Alva, FK12 5EF, had been granted under delegated powers.

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

A list of applications numbered 1-3 (inclusive) for the transfer of premises licence which had attracted no objections or representations which had been granted under delegated powers was put before the Board for information only.

Decision

The Board agreed to note that the applications numbered 1-3 for the transfer of premises licence which had attracted no objections or representations had been granted under delegated powers.

Moved by Councillor George Matchett, QPM. Seconded by Councillor Donald Balsillie.

5.0 LICENSING (SCOTLAND) ACT 2005 – OCCASIONAL LICENCE APPLICATIONS

(i) Application for Occasional Licence – 9 June 2018

Applicant: Menstrie Bowling Club, Elmbank, Menstrie

Premises: Marquee, Dumyat Park, Menstrie

Event: Menstrie Gala Day, Dumyat Park, Menstrie – 9 June 2018

Attending

Mr Paul Fair, Licensing Standards Officer

Claire MacKenzie, Police Scotland

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

Motion

Having considered all of the information presented to it, that the Board grants the application for an occasional licence subject to the conditions set out in Appendix A (page 23) of the Licensing Standards Officer's report dated 10 May 2018.

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

Decision

Having considered all of the information presented to it and having had the opportunity for questions, the Board agreed unanimously to grant the application subject to the conditions set out in Appendix A (page 23) of the Licensing Standards Officer's report dated 10 May 2018, namely:

1. No alcohol is to be removed from the licensed area and the licence holder must have in place suitable arrangements to ensure that no alcohol is removed from the licensed area.
2. All alcohol sold for consumption on the premises must be supplied in plastic drinking vessels or decanted into such a plastic drinking vessel. This includes drinks originally in metal cans.
3. Only alcohol sold in accordance with this occasional licence can be consumed within the licensed area.
4. The extent of the outdoor licensed area must be clearly delineated by a fixed barrier (such as a series of posts and rope) of at least 1m in height. This area must have only one point of entry and exit (not including any point of access to the indoor area).
5. The point of entry and exit mentioned in condition 4 above must have at least one conspicuously displayed notice which is at least A4 in size making it clear that no alcohol is to be removed from the licensed area at any time.
6. Prior to the commencement of the licensed hours all staff working at the event in a capacity where they are selling or serving alcohol, must be properly briefed on the local and mandatory conditions of the licence, in particular the requirements relating to the age verification policy. It will be the responsibility of the licence holder to carry out this briefing.
7. All staff who are not the holders of a personal licence must be trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations 2007. A copy of their training records must be present at the event, held within the licensed area and available for production on request of the Licensing Standards Officer.
8. A written age verification policy must be prepared by the applicant and submitted to the Licensing Board and the Licensing Standards Officer at least 48 hours prior to the event. Details of this policy must be briefed to all Staff and Stewards prior to any sales of alcohol at the event being made. A copy of the policy must be kept at the bar and made available for inspection by the Police or Licensing Standards Officer.

Action

Clerk to the Board

(ii) Application for Occasional Licence – 9 June 2018

Applicant: Hillfoots RFC, Oakmill, Lower Mill Street, Tillicoultry, FK13 6BP
Premises: Hillfoots RFC, Oakmill, Lower Mill Street, Tillicoultry, FK13 6BP
Event: Charity Touch Rugby Tournament

Councillor Lewis has previously declared an interest in this item and did not participate or vote on this item.

Attending

Mr Paul Fair, Licensing Standards Officer
Claire MacKenzie, Police Scotland

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

Motion

Having considered all of the information presented to it the Board grants the application for an occasional licence subject to the undernoted condition:

“The event must operate strictly in accordance with the management plan submitted along with the application.”

Moved by Councillor George Matchett QPM. Seconded by Councillor Donald Balsillie.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the application subject to the undernoted condition:

“The event must operate strictly in accordance with the management plan submitted along with the application.”

Action

Clerk to the Board

(iii) Application for Occasional Licence – 24 June 2018

Applicant: [REDACTED]
Premises: Marquee, Dollar Academy, Dollar
Event: Dollar Family Fun Day – 24 June 2018

Attending

Mr Paul Fair, Licensing Standards Officer
Claire MacKenzie, Police Scotland

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

Motion

Having considered all of the information presented to it the Board grants the application for an occasional licence subject to the conditions set out in Appendix A (page 41) of the Licensing Standards Officer’s report dated 8 May 2018.

Moved by Councillor Les Sharp. 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 subject to the conditions set out in Appendix A (page 41) of the Licensing Standards Officer's report dated 8 May 2018, namely:

1. No alcohol is to be removed from the licensed area and the licence holder must have in place suitable arrangements to ensure that no alcohol is removed from the licensed area.
2. All alcohol sold for consumption on the premises must be supplied in plastic drinking vessels or decanted into such a plastic drinking vessel prior to handing to the customer.
3. The extent of the outdoor licensed area must be clearly delineated by a fixed barrier (such as a series of posts and rope) of at least 1m in height. This area must have only one point of entry and exit, in addition to the access to this area from the marquee.
4. All points of entry and exit to the licensed area must have at least one conspicuously displayed notice which is at least A4 in size making it clear that no alcohol is to be removed from the licensed area at any time.
5. Prior to the commencement of the licensed hours all staff working at the event in a capacity where they are selling or serving alcohol, must be properly briefed on the mandatory conditions of the licence, in particular the requirements of the age verification policy. It will be the responsibility of the licensee to carry out this briefing.
6. Only alcohol sold at the event can be consumed within the licensed area.
7. At least one Personal Licence Holder must be on the premises for the duration of the event, and be responsible for authorising all sales of alcohol.
8. Only trained staff will be permitted to make sales of alcohol, and all staff authorised to serve and sell alcohol will have with them a training record in the prescribed form. Trained staff means staff trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations 2007.

Action

Clerk to the Board

(iv) Application for Occasional Licence – 17 August 2018

Applicant: Hillfoots RFC, Oakmill, Lower Mill Street, Tillicoultry, FK13 6BP

Premises: Hillfoots RFC, Oakmill, Lower Mill Street, Tillicoultry, FK13 6BP

Event: Open Air Music Festival

Councillor Lewis has previously declared an interest in this item and did not participate or vote on this item.

Attending

Mr Paul Fair, Licensing Standards Officer

Claire MacKenzie, Police Scotland

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

Motion

Having considered all of the information presented to it the Board grants the application for an occasional licence subject to the undernoted condition:

“The event must operate strictly in accordance with the management plan submitted along with the application.”

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

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the application subject to the undernoted condition:

“The event must operate strictly in accordance with the management plan submitted along with the application.”

Action

Clerk to the Board

6.0 LICENSING (SCOTLAND) ACT 2005

(i) Clackmannanshire Licensing Board Hearing to consider revocation, suspension of endorsement of Personal Licence Number PK0151 granted by Perth and Kinross Licensing Board to Brenda Scarlett

Attending

Ms Brenda Scarlett, Personal Licence Holder
Mr Paul Fair, Licensing Standards Officer
Claire MacKenzie, Police Scotland

A hearing in terms of Section 83(9) of the Licensing (Scotland) Act 2005 was held to revoke, suspend or endorse Personal Licence Number PK0151 granted by Perth and Kinross Licensing Board to Brenda Scarlett.

A letter from Police Scotland dated 3 May 2018 was made available to the Board. The letter intimated that Police Scotland had no recommendation to make.

An e-mail setting out a statement from Ms Scarlett was also made available to the Board.

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

Motion

Having considered the information set out in the report, the letter from Police Scotland dated 3 May 2018, and both the written and verbal representation made by Ms Scarlett; and having had the opportunity to put questions to all parties, that the Board is satisfied that it is necessary for the purposes of the licensing objectives, in particular the requirement to secure public safety to make an order to endorse the Personal Licence Number PK0151.

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

Decision

Having considered the information set out in the report, the letter from Police Scotland dated 3 May 2018, and both the written and verbal representation made by Ms Scarlett; and having had the opportunity to put questions to all parties, the Board, being satisfied that it is necessary for the purposes of the licensing objectives, in particular the requirement to secure public safety and agreed unanimously to make an order to endorse Personal Licence Number PK0151. The endorsement will remain on the Personal Licence for a period of five years.

Action

Clerk to the Board

7.0 AOCB

None.

Ends 1015

