



NOTICE OF MEETING

24 September 2018

A MEETING of the CLACKMANNANSHIRE LICENSING BOARD will be held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on TUESDAY 2 OCTOBER 2018 at 9.30 am.

**LINDSAY THOMSON
Clerk to the Licensing Board**

	Page No
1. Apologies	--
2. Declarations of Interest	--
<p>Elected Members are reminded of their obligation to declare any financial or non-financial interest which they may have in any item on this agenda in accordance with the Councillors' Code of Conduct. A Declaration of Interest Form should be completed and passed to the Committee Services Officer.</p>	
3. Confirm minutes of Clackmannanshire Licensing Board held on 4 September 2018 (Copy herewith)	03
4. Licensing (Scotland) Act 2005:	
(i) Applications for Personal Licences - Granted Under Delegated Powers (For information only) (Copy herewith)	09
5. Licensing (Scotland) Act 2005 :	
(i) Application for Variation of Licence (Non-Minor) - No objections/representations received (Application and letter from Police Scotland attached)	11
<p>Applicant: WM Morrisons Supermarkets PLC, Hull, HU1 3DZ Premises: Morrisons, Clackmannan Road, Alloa, FK10 1RN</p>	
6. AOCB	--

Clackmannanshire Licensing Board – Board Members 9 (Quorum 5)

Councillors

Wards

Councillor	Kenneth Earle (Convenor)	4	Clackmannanshire South	LAB
Councillor	Mike Watson (Vice Convenor)	3	Clackmannanshire Central	CONS
Councillor	Donald Balsillie	2	Clackmannanshire North	SNP
Councillor	Martha Benny	2	Clackmannanshire North	CONS
Councillor	Dave Clark	2	Clackmannanshire North	LAB
Councillor	Helen Lewis	2	Clackmannanshire North	SNP
Councillor	George Matchett, QPM	1	Clackmannanshire West	LAB
Councillor	Tina Murphy	1	Clackmannanshire West	SNP
Councillor	Les Sharp	1	Clackmannanshire West	SNP

The quorum for the Board by virtue of Schedule 1 paragraph 12(1) of the Licensing (Scotland) Act 2005 is 5 members



MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on TUESDAY 4 SEPTEMBER 2018 at 9.30 am.

PRESENT

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

IN ATTENDANCE

June Andison, Licensing Administrator
Paul Fair, Licensing Standards Officer
Lindsay Thomson, Service Manager, Legal and Democracy (Clerk to the Board)
Melanie Moore, Committee Services

1.0 APOLOGIES

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

2.0 DECLARATIONS OF INTEREST

Councillor Clark declared a non-financial interest in Item 6(i) - Application for Personal Licence, as he is a friend of the applicant. Councillor Clark indicated that he would not participate in discussion and voting on this item.

3.0 MINUTES OF MEETINGS:

(a) CLACKMANNANSHIRE LICENSING BOARD HELD ON 26 JUNE 2018

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 26 June 2018 were submitted for approval.

On page 6 the motion was noted as being "moved" by Councillor Matchett and then "moved" by Councillor Benny. It should have read "Moved by Councillor George Matchett QPM. Seconded by Councillor Martha Benny."

Decision

Subject to the above change, the minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 26 June 2018 were agreed as a correct record and signed by the Chair.

(b) CLACKMANNANSHIRE LICENSING BOARD HELD ON 17 JULY 2018

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 17 July 2018 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 17 July 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) were put before the Board for information only as they had been granted under delegated powers. Items 4(i), 4(ii) and 4(iii) were, therefore, considered together as one item.

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

A list of applications numbered 1-8 (inclusive) 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 numbered 1-8 (inclusive) had been granted under delegated powers.

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

An application for the transfer of premises licence at the Amin Mini Market, 82 Hill Street, Alloa, FK10 2LW, 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 an application for the transfer of premises licence at the Amin Mini Market, 82 Hill Street, Alloa, FK10 2LW, had been granted under delegated powers.

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

A list of applications (6 premises) for variation of licence (minor) which had been granted under delegated powers was put before the Board for information only.

Decision

The Board agreed to note that the six applications for variation of licence (minor) had been granted under delegated powers.

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

5.0 LICENSING (SCOTLAND) ACT 2005 – OCCASIONAL LICENCE APPLICATION

(i) Application for Occasional Licence – 14 September 2018

Applicant: Kelly Whyte

Premises: Alloa Town Hall, Marshill, Alloa, FK10 1AB

Event: Amateur Youth Boxing Event – 14 September 2018

Attending

Mr Paul Fair, Licensing Standards Officer

The Board heard representation from the Licensing Standards Officer and had the opportunity to put questions to him.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for an occasional licence subject to the conditions set out in Appendix A (page 31) of the Licensing Standards Officer's report dated 15 August 2018.

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 conditions set out in Appendix A (page 31) of the Licensing Standards Officer's report dated 15 August 2018, namely:

- All alcohol and other drinks must be sold in or supplied to the customer in, or decanted into, plastic or polycarbonate bottles and drinking vessels. No glass or metal containers are to be given to the customer.
- Only alcohol sold at the event by the licensee can be consumed at the event.
- A minimum of 5 SIA Licenced Stewards must be on duty to control entry to the premises, to monitor any area immediately outside the premises used by persons attending the event who have temporarily left to smoke, and to monitor and supervise the behaviour of children and young persons in the balcony area.
- At all times at least 1 SIA Licenced Steward will be responsible for monitoring the Balcony area to ensure that no alcohol is taken into this area.
- At least one person who holds a suitable first aid qualification must be on duty at the event.
- At least one Personal Licence Holder must be on the premises for the duration of event, and be responsible for authorising all sales of alcohol.
- 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 certificate in the prescribed form. Trained Staff means staff trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations, 2007.
- Any music of other entertainment must cease at no later than 15 minutes prior to the end of licenced hours.
- Except when completing in a boxing match all Children and Young Persons must remain in the company of an adult over the age of 18 years of age and must remain in either the changing rooms or in the upper balcony area for the duration of the event.
- No alcohol is to be taken into or consumed within the changing rooms, balcony, foyer, stairwells, upper landings or toilets.
- Full particulars (Name, Date of Birth and SIA Badge No.) of the SIA Stewards to be employed at the event will be provided in writing to the Licensing Standards Officer at least 48 hours prior to the event.

Action

Clerk to the Board

Having earlier declared a non-financial interest in the following item, Councillor Clark withdrew from the meeting prior to item 06(i) (09.40 am).

6.0 LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCES

(i) Application for Personal Licence – Mr John Lamond

Attending

Mr Paul Fair, Licensing Standards Officer
Mr John Lamond, Applicant
Claire MacKenzie, Police Scotland

Notice in terms of Section 73(3)(b) of the Licencing (Scotland) Act 2005 representation was received from Police Scotland and the Licensing Standards Officer.

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

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 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 to grant the application for a personal licence.

Action

Clerk to the Board

Councillor Clark returned to meeting following the conclusion of the above item(10.00 am).

(ii) Application for Personal Licence – Ms Catherine McIntosh Hunter

Attending

Mr Paul Fair, Licensing Standards Officer
Ms Catherine McIntosh Hunter, Applicant
Mr Craig Jackson, Applicant's Employer
Claire MacKenzie, Police Scotland

Notice in terms of Section 73(3)(a) of the Licencing (Scotland) Act 2005 representation was received from Police Scotland.

The Board heard representation from the Police Scotland, Licensing Standards Officer, the Applicant's Employer and the applicant and had the opportunity to put questions to all parties.

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 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 to grant the application for a personal licence.

Action

Clerk to the Board

7.0 GENERAL PERMITTED EXTENSION – FESTIVE PERIOD 2018-19

A report was submitted by the Clerk to the Licensing Board the purpose of which was to enable the Licensing Board to consider its approach to the festive period 2018-19.

Motion

That the Licensing Board agree to:-

1. Note that the current consultation on the Statement of Licensing Policy has incorporated the Festive Policy;
2. Agree that it would not be appropriate for the Board to make any determination in respect of any licensed hours for a general extension of the festive policy until the consultation has closed; and
3. Agree that any general extension incorporated into the revised Statement of Licensing Policy 2018 shall apply for the period of 14 December 2018 to 2 January 2019.

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

Decision

The Licensing Board unanimously agreed :-

1. To note that the current consultation on the Statement of Licensing Policy has incorporated the Festive Policy;
2. That it would not be appropriate for the Board to make any determination in respect of any licensed hours for a general extension of the festive policy until the consultation has closed; and
3. That any general extension incorporated into the revised Statement of Licensing Policy 2018 shall apply for the period of 14 December 2018 to 2 January 2019.

8.0 AOCB

None.

Ends 1025 hours

CLACKMANNANSHIRE LICENSING BOARD

MEETING 02 October 2018 at 09:30am

The Council Offices, Kilncraigs, Alloa, FK10 1EB

Licensing (Scotland) Act 2005

Personal Licence(s)

No.	Applicant	Date Received	Comments
1.	Sandra Clements	24 August 2018	Personal Licence granted under delegated powers
2.	Carol Lindsay	27 August 2018	Personal Licence granted under delegated powers
3.	Mario Celiberti c/o CPL Training Egerton House 2 Tower Road Birkenhead Wirral CH41 1FN	04 September 2018	Personal Licence granted under delegated powers

CLACKMANNANSHIRE LICENSING BOARD

MEETING 02 October 2018 at 09.30am in

**The Council Offices, Kilncriags,
Greenside Street, Alloa, FK10 1EB**

Licensing (Scotland) Act 2005

Variation(s) (Non Minor)

Premises	Applicant	Date Received	Comments
<p>Morrisons Clackmannan Road Alloa FK10 1RN</p>	<p>WM Morrisons Supermarkets PLC c/o Gosschalks Solicitors Queens Gardens Hull HU1 3DZ</p>	<p>13 July 2018</p>	<p>Variation to Operating Plan to include:-</p> <p>Restaurant facilities both during and outwith core licensed hours</p> <p>The sale of food, non-food items and other household goods , provision of ancillary consumer services during and outwith licensed hours.</p> <p>Occasional free samples/tastings of alcohol products within the alcohol display area during core licensed hours</p> <p>Application and Letter Police Scotland (copies attached) No comment received from Licensing Standards Officer</p> <p>No objections/representations received</p>

Licensing Board



Clackmannanshire
Council

www.clacksweb.org.uk

Licensing (Scotland) Act 2005, Section 29 Application for Variation of Premises Licence

To:

Clerk to the Licensing Board
Clackmannanshire Council
Kilncraigs
Alloa
FK10 1EB

V. Ferguson
PAID 13 JUL 2018

If you are Completing this Form by Hand, Please Write Legibly in Block Capitals using **BLACK INK**. Please Ensure the Completed Application is Signed by the Applicant, Dated and Returned to the Above Address along with the Fee and the Original Licence or a Statement of Reasons as to why the Original Licence Cannot be Produced.

APPLICANT INFORMATION

Question 1

Name, Address, Postcode and Licence Number of Premises.

MORRISONS
CLACKMANNAN ROAD
ALLOA
FK10 1RW

LICENCE NO. CC/0078

Question 2

Full Name, Address, Postcode, Telephone Number and Email Address of the Current Licensee or the Applicant if Different.

Licensing Board



Clackmannanshire
Council

www.clacksweb.org.uk

WM MORRISON SUPERMARKETS PLC
HILMORE HOUSE
GAIN LANE
BRADFORD BD3 7DL

DETAILS OF VARIATION

Question 3

Brief Details of Variation (Continue on Separate Sheet if Necessary)

QUESTION 5(A) IS TO BE AMENDED TO REFLECT THE FACT THAT THESE PREMISES FEATURE A CUSTOMER CAFE AND THAT RESTAURANT FACILITIES ARE PROVIDED AND WILL BE PROVIDED BOTH DURING CORE LICENSED HOURS AND OUTWITH LICENSED HOURS.

QUESTION 5(F) IS TO BE AMENDED TO READ AS FOLLOWS:
"THE SALE OF FOOD, NON-FOOD ITEMS AND OTHER HOUSEHOLD GOODS AND THE PROVISION OF ANCILLARY CONSUMER SERVICES WITHIN AND OUTWITH LICENSED HOURS.

THE PREMISES LICENCE HOLDER MAY OFFER OCCASIONAL FREE SAMPLES/TASTINGS OF ALCOHOL PRODUCTS TO ITS CUSTOMERS OVER 18 WITHIN THE ALCOHOL DISPLAY AREA DURING CORE LICENSED HOURS."

OPERATING PLAN

Question 4

Do you Propose to Vary any of the Information Within the Operating Plan Contained in the Licence?

YES/NO

If Yes Please Complete and submit New Operating Plan to include the Proposed Variations.

Licensing Board



Clackmannanshire
Council

www.clacksweb.org.uk

LAYOUT PLAN

Question 5

Do you Propose a Variation to the Layout Plan Contained in the Licence?

YES/NO

If Yes Please Supply **6 Copies** of the New Layout Plan Conforming to Paragraph 5 of The Premises Licence (Scotland) Regulations 2007.

CONDITIONS

Question 6

Do you propose a variation to any of the conditions to which the licence is subject?

YES/NO

If Yes please give details of the proposed variation below

Please Note That You Cannot Vary any Condition Which Is on Your Licence By Virtue Of Section 27(1) Of The Licensing (Scotland) Act, 2005 (Mandatory Conditions).

PREMISES MANAGER

Question 7

If you Propose to Vary the Information Contained in the Licence Relating to the Premises Manager . Please Provide the following information.

Name, Address and Personal Licence Details (Number and Issuing Board) of the Existing Premises Manager

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Clackmannanshire
Council

www.clacksweb.org.uk

If only the existing Premises Manager's Personal Details have Changed
Please Provide details

If there is a Change of Premises Manager Please Provide the following:-.

Name and Address of the Proposed Premises Manager

Date and Place of Birth of the Proposed Premises Manager

Email Address and Telephone Number of the Proposed Premises Manager

Licensing Board



Clackmannanshire Council

www.clacksweb.org.uk

Personal Licence

Date of Issue	Name of Licensing Board Issuing	Reference No. Of Personal Licence

Is the Variation Relating to the change of Premises Manager to Take Effect During the Application Period

YES/NO

If the Answer to the Above Question is NO Please Provide Below the Date the Variation is to Take Effect.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If Signing on Behalf of the Applicant Please State in What Capacity.


The Contents of This Application Are True to the Best of my Knowledge and Belief.

Signature.....  Date 12.7.2018


* (See Note Overleaf)

Capacity Solicitor **APPLICANT/AGENT**
(Delete as appropriate)

Telephone Number and Email Address of Signatory

..... 

.....

..... 

Operating plan

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Question 1

Statement regarding alcohol being sold on premises/off premises or both

1(a) Will alcohol be sold for consumption solely ON the premises? Yes No

1(b) Will alcohol be sold for consumption solely OFF the premises? Yes No

1(c) Will alcohol be sold for consumption both ON and OFF the premises? Yes No

Question 2

Statement of core times when alcohol will be sold for consumption on premises

Day	On Consumption	
	Opening time	Terminal hour
Monday	N/A	N/A
Tuesday	N/A	N/A
Wednesday	N/A	N/A
Thursday	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

Question 3

Statement of core times when alcohol will be sold for consumption off premises

Day	Off Consumption	
	Opening time	Terminal hour
Monday	10.00	22.00
Tuesday	10.00	22.00
Wednesday	10.00	22.00
Thursday	10.00	22.00
Friday	10.00	22.00
Saturday	10.00	22.00
Sunday	10.00	22.00

Question 4

Seasonal variations
Does the applicant intend to operate according to seasonal demand? Yes No

*If yes – provide details

Question 5

Please indicate the other activities or services that will be provided on the premises in addition to supply of alcohol.

Col. 1 5(a) Activity	Col. 2 Please confirm yes/no	Col. 3 To be provided during core licensed hours – please confirm yes/no	Col. 4 Where activities are also to be provided outwith core licensed hours please confirm yes/no
Accommodation	N	N/A	N/A
Conference facilities	N	N	N
Restaurant facilities	Y	Y	Y
Bar meals	N	N	N
5(b) Activity Social functions including:	Please confirm yes/no	To be provided during core licensed hours – please confirm yes/no	Where activities are also to be provided outwith core licensed hours please confirm yes/no
Receptions including weddings, funerals, birthdays, retirements etc.	N	N	N
Club or other group meetings etc.	N	N	N
5(c) Activity Entertainment including:	Please confirm yes/no	To be provided during core licensed hours – please confirm yes/no	Where activities are also to be provided outwith core licensed hours please confirm yes/no
Recorded music – see 5(g)	Y	Y	Y
Live performances – see 5(g)	N	N	N
Dance facilities	N	N	N
Theatre	N	N	N
Films	N	N	N
Gaming	N	N	N
Indoor/outdoor sports	N	N	N
Televised sport	N	N	N
5(d) Activity	Please confirm yes/no	To be provided during core licensed hours – please confirm yes/no	Where activities are also to be provided outwith core licensed hours please confirm yes/no
Outdoor drinking facilities	N	N	N
5(e) Activity	Please confirm yes/no	To be provided during core licensed hours – please confirm	Where activities are also to be provided outwith core licensed hours please confirm

		yes/no	yes/no
Adult entertainment	N	N	N

Where you have answered **yes** in respect of any entry in column 4 above, please provide further details below.

Recorded background music may be played within and outwith licensed hours.

5(f) Any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

The sale of food, non-food items and other household goods and the provision of ancillary consumer services within and outwith licensed hours.

The premises licence holder may offer occasional free samples/tastings of alcohol products to its customers over 18 within the alcohol display area during core licensed hours.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB? Yes No

When fully occupied, are there likely to be more customers standing than seated? Yes No

Question 6 (On-sales only)

Children and young persons

6(a) When alcohol is being sold for consumption on the premises will children or young persons be allowed entry Yes No

6(b) Where the answer to 6(a) is **yes** provide statement of the terms under which they will be allowed entry

N/A

6(c) Provide statement regarding the ages of children or young persons to be allowed entry

N/A

[Empty box]

6(d) Provide statement regarding the times during which children and young persons will be allowed entry

N/A

6(e) Provide statement regarding the parts of the premises to which children and young persons will be allowed entry

N/A

Question 7

Capacity of premises

What is the proposed capacity of the premises to which this application relates?

Off-Sales 198.69 square metres

Question 8

Premises manager (note: not required where application is for grant of provisional premises licence) Personal details

8(a) Name

Paul Lappin

8(b) Date of birth

[Redacted]

8(c) Contact address

[Redacted]

8(d) Email address

--

8(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence
30 August 2009	South Ayrshire Licensing Board	SA09/00428

Declaration by applicant or agent on behalf of applicant
If signing on behalf of the applicant please state in what capacity.

The contents of this operating plan are true to the best of my knowledge and belief.

Signature (note)	* (see	[REDACTED]	
Date	12 July 2018		
Capacity (delete as appropriate)	Applicant	Agent	
Telephone number and email address of signatory	[REDACTED]		

Name, address and telephone number of agent (if applicable)

Gosschalks Solicitors Queens Gardens Hull HU1 3DZ
--

* Data Protection Act 1998

The information on this form may be held on an electronic public register which may be available to members of the public on request.

01/08/2018

Your Ref: 345483

Our Ref :CC078

Clerk to the Licensing Board
Clackmannanshire Council
Kilncraigs
Alloa
FK10 1EB



Iain Livingstone QPM
Deputy Chief Constable Designate
Forth Valley Division Headquarters
West Bridge Street
Falkirk
FK1 5AP

Dear Sir,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
MORRISONS
MORRISONS, CLACKMANNAN ROAD, ALLOA, CLACKMANNANSHIRE,
FK10 1RW.**

I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of customer café and restaurant facilities.

In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



Iain Livingstone QPM
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01324 678850.

