



NOTICE OF MEETING

3 December 2018

A MEETING of the CLACKMANNANSHIRE LICENSING BOARD will be held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on TUESDAY 11 DECEMBER 2018 at 9.30 am.



**LINDSAY THOMSON
Clerk to the Licensing Board**

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1. Apologies -	-
2. Declarations of Interest -	-
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.	
3. Confirm minutes of Clackmannanshire Licensing Board held on 13 November 2018 (Copy herewith)	03
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7. 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 13 NOVEMBER 2018 at 9.30 am.

PRESENT

Councillor Kenneth Earle, (Chair)
Councillor Donald Balsillie
Councillor Martha Benny
Councillor Helen Lewis
Councillor George Matchett, QPM
Councillor Les Sharp
Councillor Tina Murphy

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 Dave Clark.

2.0 DECLARATIONS OF INTEREST

None.

3.0 MINUTES OF MEETING OF CLACKMANNANSHIRE LICENSING BOARD HELD ON 2 OCTOBER 2018

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 2 October 2018 were submitted for approval.

Moved by Councillor Tina Murphy. Seconded by Councillor George Matchett, QPM.

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 2 October 2018 were agreed as a correct record and signed by the Chair.

Agenda items 4(i) and 4(ii) were put before the Board for information only as it was understood that they had been granted under delegated powers.

4.0 LICENSING (SCOTLAND) ACT 2005

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

A list of applications numbered 1-2 (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 1-2 (inclusive) had been granted under delegated powers.

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

A list of applications numbered 1-3 (inclusive) 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 Minor Variation applications numbered 1-3 (inclusive) had been granted under delegated powers.

5.0 LICENSING (SCOTLAND) ACT 2005

(i) Application for Occasional Licence – 17 November 2018

Applicant: Caroline Allan

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

Event: Ultra White Collar Boxing Event – 17 November 2018

Attending

Mr Paul Fair, Licensing Standards Officer

The Board heard representations 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 the opportunity for questions, that the Board grants the application for an occasional licence subject to the conditions set out in Appendix A (page 17) of the Licensing Standards Officer's report dated 12 October 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 17) of the Licensing Standards Officer's report dated 12 October 2018, namely:

- All alcohol and other drinks must be sold and supplied to the customer in, or decanted into, plastic or polycarbonate bottles and drinking vessels.
- Only alcohol sold at the event by the licence Holder can be consumed at the event.
- At least 8 SIA Licensed 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 persons within the venue.
- 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.
- The applicant must prepare an age verification policy, this policy should be supplied to the Licensing Standards Officer at least 48 hours prior to the event.
- The applicant/event organiser must brief all stewards and staff authorised to serve or make sales of alcohol prior to the commencement of the event, this briefing should

include information relating to the terms and conditions of the licence, and any other relevant licensing matters – a record of this briefing including details of who delivered the briefing and details of all staff and stewards who received it must be kept. All staff receiving this brief must sign a record of the briefing acknowledging that they received and understood the terms of the brief.

- Only staff trained will be permitted to make sales of alcohol, and all staff authorised to serve and sell alcohol. Trained Staff means staff trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations 2007.
- All staff authorised to serve and sell alcohol will have with them a training certificate in the prescribed form.
- Any music or other entertainment must cease at no later than 15 minutes prior to the end of licensed hours.
- A full list of all SIA Stewards working at the event will be supplied to the Licensing Standards Officer at least 72 hours prior to the event. The list should include the full name of the Stewards and their SIA Badge number.

Action

Clerk to the Board

(ii) Application for Occasional Licence – 24 November 2018

Applicant: Craig Stewart, The Royal Oak Hotel, Bedford Place, Alloa
Premises: Alloa Town Hall, Marshall, Alloa, FK10 1AB
Event : Live Music Night – 24 November 2018

Attending

Mr Paul Fair, Licensing Standards Officer

The Board heard representations 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 the opportunity for questions, that the Board grants the application for an occasional licence subject to the conditions set out in Appendix A (page 27) of the Licensing Standards Officer's report dated 12 October 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 27) of the Licensing Standards Officer's report dated 12 October 2018, namely:

- All alcohol and other drinks must be sold and supplied to the customer in, or decanted into, plastic or polycarbonate bottles and drinking vessels.
- Only alcohol sold at the event by the licence Holder can be consumed at the event.
- A sufficient number of SIA Licensed 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 persons within the venue. Including a specific responsibility to make regular checks of the toilets and to monitor the upper Balcony 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 staff trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations, 2007 are 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.

- Any music or other entertainment must cease at no later than 15 minutes prior to the end of licensed hours.
- No glass or other forms of waste likely to produce excessive noise will be disposed of in the external bins at the premises after 9pm and before 10 am the following morning.
- Full particulars (Name, Date of Birth and SIA Badge number.) 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

(iii) Application for Occasional Licence – 28 November 2018

Applicant: Craig Stewart, The Royal Oak Hotel, Bedford Place, Alloa
Premises: Alloa Town Hall, Marshall, Alloa, FK10 1AB
Event : Live Music Night – 28 November 2018

Attending

Mr Paul Fair, Licensing Standards Officer

The Board heard representations 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 the opportunity for questions, that the Board grants the application for an occasional licence subject to the conditions set out in Appendix A (page 35) of the Licensing Standards Officer’s report dated 12 October 2018.

Moved by Councillor Kenneth Earle. Seconded by Councillor Marth 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 subject to the conditions set out in Appendix A (page 35) of the Licensing Standards Officer’s report dated 12 October 2018, namely:

- All alcohol and other drinks must be sold and supplied to the customer in, or decanted into, plastic or polycarbonate bottles and drinking vessels.
- Only alcohol sold at the event by the licence Holder can be consumed at the event.
- A sufficient number of SIA Licensed 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 persons within the venue. Including a specific responsibility to make regular checks of the toilets and to monitor the upper Balcony 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 staff trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations, 2007 are 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.
- Any music or other entertainment must cease at no later than 15 minutes prior to the end of licensed hours.
- No glass or other forms of waste likely to produce excessive noise will be disposed of in the external bins at the premises after 9pm and before 10 am the following morning.
- Full particulars (Name, Date of Birth and SIA Badge number.) 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

(iv) Application for Occasional Licence – 1 December 2018

Applicant: Craig Stewart, The Royal Oak Hotel, Bedford Place, Alloa
Premises: Alloa Town Hall, Marshall, Alloa, FK10 1AB
Event : Darts Exhibition Jock Wilson Memorial – 1 December 2018

Attending

Mr Paul Fair, Licensing Standards Officer

The Board heard representations 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 the opportunity for questions, that the Board grants the application for an occasional licence subject to the conditions set out in Appendix A (page 43) of the Licensing Standards Officer's report dated 17 October 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 opportunity for questions, the Board agreed unanimously to grant the application subject to the conditions set out in Appendix A (page 43) of the Licensing Standards Officer's report dated 17 October 2018, namely:

- All alcohol must be sold and supplied to the customer in, or decanted into, plastic or polycarbonate bottles and drinking vessels.
- Only alcoholic drinks sold at the event by the Licensee can be consumed at the event.
- A sufficient number of SIA Licensed 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 persons within the venue. Including a specific responsibility to make regular checks of the toilets and to monitor the upper Balcony area in relation to the safety and wellbeing of children and young persons attending the event.
- 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 staff trained will be permitted to make sales of alcohol.
- Any music or other entertainment must cease at no later than 20:45.
- All Children and young persons must remain in the company of a parent or other formal guardian over the age of 18 years of age and must remain in the upper Balcony area for the duration of the event. Except when that child or young persons is participating in a darts match.
- No alcohol is to be taken to or consumed in the Balcony, foyer stairwells, upper landings or toilets.
- A full briefing document detailing the terms of the licence, including local conditions and all measures to be put in place by the applicant to ensure compliance with the protecting children from harm licensing objective should be prepared and supplied to all Stewards on duty at the event. A copy of this Document should be made available to the Licensing Board and Licensing Standards Officer at least 7 days prior to the event.

Action

Clerk to the Board

(v) Application for Occasional Licence – 21 December 2018

Applicant: Caroline Allan

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

Event: Ultra White Collar Martial Art Event – 21 December 2018

Attending

Mr Paul Fair, Licensing Standards Officer

The Board heard representations 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 the opportunity for questions, that the Board grants the application for an occasional licence subject to the conditions set out in Appendix A (page 51) of the Licensing Standards Officer's report dated 12 October 2018.

Moved by Councillor George Matchett, QPM. 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 subject to the conditions set out in Appendix A (page 51) of the Licensing Standards Officer's report dated 12 October 2018, namely:

- All alcohol and other drinks must be sold and supplied to the customer in, or decanted into, plastic or polycarbonate bottles and drinking vessels.
- Only alcohol sold at the event by the licence Holder can be consumed at the event.
- At least 8 SIA Licensed 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 persons within the venue.
- 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.
- The applicant must prepare an age verification policy, this policy should be supplied to the Licensing Standards Officer at least 48 hours prior to the event.
- The applicant/event organiser must brief all stewards and staff authorised to serve or make sales of alcohol prior to the commencement of the event, this briefing should include information relating to the terms and conditions of the licence, and any other relevant licensing matters – a record of this briefing including details of who delivered the briefing and details of all staff and stewards who received it must be kept. All staff receiving this brief must sign a record of the briefing acknowledging that they received and understood the terms of the brief.
- Only staff trained will be permitted to make sales of alcohol, and all staff authorised to serve and sell alcohol. Trained Staff means staff trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations 2007.
- All staff authorised to serve and sell alcohol will have with them a training certificate in the prescribed form.
- Any music or other entertainment must cease at no later than 15 minutes prior to the end of licensed hours.
- A full list of all SIA Stewards working at the event will be supplied to the Licensing Standards Officer at least 72 hours prior to the event. The list should include the full name of the Stewards and their SIA Badge number.

Action

Clerk to the Board

6.0 POLICE SCOTLAND: CHIEF CONSTABLE'S REPORT TO THE CLACKMANNANSHIRE LICENSING BOARD FOR THE PERIOD 1 APRIL 2017 TO 31 MARCH 2018

Attending

Chief Inspector Drew Sinclair, Police Scotland (representing the Chief Constable).
Claire McKenzie, Police Scotland (Licensing Officer)

Members of the Clackmannanshire Local Licensing Forum were in attendance at this meeting to hear the presentation given by Chief Inspector Sinclair on the Chief Constable's report to the Clackmannanshire Licensing Board. The Chief Constable's report was included in the agenda for the joint Board/Forum meeting directly following the meeting of the Licensing Board and this allowed opportunity for Board and Forum members to hear a single presentation.

The Licensing Board heard a presentation by Chief Inspector Drew Sinclair on the Chief Constable's report and had opportunity to put questions to Chief Inspector Sinclair.

Having commented on and challenged the report as appropriate and having had opportunity for questions, the Board agreed to note the information provided in the Chief Constable's Report to the Clackmannanshire Licensing Board for the period 1 April 2017 to 31 March 2018.

The Licensing Board welcomed the report from the Deputy Chief Constable and asked that their thanks him for the level of local detail in the report be passed on.

7.0 AOCB

As there was no further business for the Licensing Board, the Convenor brought the meeting to a close at 1025 hrs.

Ends 10:25 hours

CLACKMANNANSHIRE LICENSING BOARD

MEETING 11 December 2018 at 09:30am

The Council Offices, Kilncraigs, Alloa, FK10 1EB

Licensing (Scotland) Act 2005

Personal Licence(s)

No.	Applicant	Date Received	Comments
1.	Gillian Fyvie	17 October 2018	Personal Licence granted under delegated powers
2.	Leigh Singleton	24 October 2018	Personal Licence granted under delegated powers
3.	Suzanne Dickson	08 November 2018	Personal Licence granted under delegated powers

CLACKMANNANSHIRE LICENSING BOARD

MEETING 11 December 2018 at 09.30am

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

Licensing (Scotland) Act 2005

Variation(s) (Minor)

Premises	Applicant	Date Received	Comments
Asda Store Whins road Alloa FK10 3SD	Asda Stores Limited c/o Gosschalks Solicitors Queens Gardens Hull HU1 3DZ	12 October 2018	Minor Variation to vary Designated Premises Manager granted under delegated powers
County Bar 1 Main Street Clackmannan FK10 4JA	Candleriggs Inns Ltd Lime Tree House Cstle street Alloa FK10 1EX	02 November 2018	Minor Variation to vary Designated Premises Manager granted under delegated powers
Iceland Foods Limited 43 Shillinghill Alloa Fk10 1JN	Iceland Foods Limited Second Avenue Deeside Industrial Park Deeside Flintshire CH5 2NW	05 November 2018	Minor Variation to vary Designated Premises Manager granted under delegated powers
Dunmar Hosue Hotel Dunmar Drive Alloa FK10 2EN	Dunmar Limited Dunmar House Dunmar Drive Alloa Clackmannanshire FK10 2EN	08 November 2018	Minor Variation to vary Designated Premises Manager granted under delegated powers

Report to Licensing Board

Date of Meeting: 11 December 2018

Subject: Report on the review of the Statement of Licensing Policy

Report by: Lindsay Thomson

1.0 Purpose

- 1.1. This report summarises the activity undertaken in the review of the Licensing Board's Statement of Licensing Policy and seeks approval for the revised Statement of Licencing Policy set out in appendix one.

2.0 Recommendations

- 2.1. It is recommended that the Licensing Board approves the revised Statement of Licensing Policy.

3.0 Considerations

- 3.1. Process

In April 2018 the Board agreed to delegate authority to a working group to carry out the required review of the Statement of Licensing Policy. The members of the working group were Councillor Earle, Councillor Clark, Councillor Matchett, Councillor Sharp and Councillor Benny. The working group was also supported by the Clerk to the Board and the Licensing Standards Officer.

The working group committed to a timeline of meetings as agreed by the Board. This timeline included an initial process of gathering information and reviewing the current policy, followed by a formal consultation and then a post consultation responses review. There was some slippage in the timeline as there was a request to extend the timeline from a consultee so that their response could be signed off by their board. The working group agreed to extend the consultation period.

The working group met on eight occasions between April and November.

- 3.2 Statistical references and strategic context

One of the early pieces of work the group carried out was to review information about the volume and type of applications. This information is contained in appendix two.

The main points which the group noted were the relative parity of the number of off and on sales and the stability in the number of licences, the reduction in occasional licence applications over the 3 year period and very small amount of formal enforcement action.

The group also reviewed statistics provided from external sources such as such as CRESH and alcohol focus and considered the policy in the context of the Local Outcome Improvement Plan, Children's Service and Health and Social Care Partnership plans and the draft strategic plan.

3.3 Early in its discussion the group identified what it wanted to achieve in the revised policy:-

- More concise user friendly and understandable statement of policy
- Removal of repetition of legislative provisions
- Focus on matters related to licensing objectives
- Continuing to see successful operation of on-sales
- Considering carefully the position of off-sales
- Reaching a concluded position on over provision

3.4 Consultation

The group prepared a draft of the policy for consultation. They also considered what questions they would include in the consultation response. This is available as a background paper, as members of the Board all received a copy during the consultation process.

The consultation ran for 10 weeks between June and September. The consultation was promoted through direct emailing of both the statutory consultees and the list of consultees drawn up by the group, publication on a specialist licensing website as facilitated by the Licensing Standards Officer and on the Council's citizen space and then regular social media posts.

At the conclusion of the consultation there 19 responses which had come through the citizen space portal and 4 direct responses from the following consultees.

- Licensing Forum
- AFS
- Police Scotland
- ADP

In addition to the very helpful and detailed responses which the group considered in full in their meetings, there were a number of key messages from the consultation. These were:

- Majority say the number of off sales (54%) and on sales (72%) are about right.
- High level of support for new approach to policy (86%)
- Most responses from Alloa Town Centre, Alloa West and Tullibody.
- No responses from a number of areas including Dollar, Menstrie, Coalsnaughton, Fishcross and Clackmannan

3.5 Overprovision

The Group was also required to consider the position of overprovision. They had a detailed and lengthy discussion on overprovision, considering the specific terms of the legislation, localities and what evidence would be required to establish over provisions.

In particular the group considered all of the information gathered at the outset of the working group's activity, what it understood of the shopping habits of local residents, the stability of number of premises, and the consultation responses.

The group has reached the view that there is no overprovision in Clackmannanshire.

3.6 Working group approach

Finally the working group welcomed the opportunity to carry out this task in a smaller group on behalf of the Board. The group considered that it gave the group the chance to look carefully at the detail and to have a full, frank and honest discussion,

The group also recognised that the process for review had been time-consuming and noted that additional meetings of the group were required in order to finalise the draft. The group also recommends that in future summer consultation is avoided. Finally the group noted that there is an opportunity for further research to be carried out on the local area which would assist in the next review of the policy.

The group recommend that there is now a programme of profile raising of the revised policy and that it is made widely available.

4.0 Sustainability Implications

4.1. None identified

5.0 Resource Implications

5.1. *Financial Details*

5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes X

5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

5.4. *Staffing*

6.0 Exempt Reports

6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No X

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all x
- Our families; children and young people will have the best possible start in life x
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive and flourish X

(2) **Council Policies** (Please detail)

Statement of Licensing Policy – current

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?
 Yes No x

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes x

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 Revised Statement of Licensing Policy

Appendix 2 Data considered as part of the review of the policy

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Consultation on the revised statement of licensing policy

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Lindsay Thomson	Clerk to the Board	2084

Approved by

NAME	DESIGNATION	SIGNATURE
Lindsay Thomson	Clerk to the Board	

