



**MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on TUESDAY 22 JANUARY 2019 at 9.30 am.**

**PRESENT**

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

**IN ATTENDANCE**

June Andison, Licensing Administrator  
Paul Fair, Licensing Standards Officer  
Andrew Crawford, Team Leader, Environmental Health and Licensing  
Lindsay Thomson, Senior Service Manager, Partnership & Performance (Clerk to the Board)  
Gillian White, Committee Services

**1.0 APOLOGIES**

Apologies were received from Councillor Dave Clark and Councillor Helen Lewis.

**2.0 DECLARATIONS OF INTEREST**

None.

**3.0 MINUTES OF MEETING OF CLACKMANNANSHIRE LICENSING BOARD HELD ON 11 DECEMBER 2018**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 11 December 2018 were submitted for approval.

**Decision**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 11 December 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 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 1-4 (inclusive) for personal licences which had been granted under delegated powers was put before the Board for information only.

Moved by Councillor Martha Benny. Seconded by Councillor Donald Balsillie.

## **Decision**

The Board agreed to note that the Personal Licence applications numbered 1-4 (inclusive) had been granted under delegated powers.

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

A list of two applications for minor variations which had been granted under delegated powers was put before the Board for information only.

Moved by Councillor Martha Benny. Seconded by Councillor Donald Balsillie.

## **Decision**

The Board agreed to note that the two Minor Variation applications had been granted under delegated powers.

## **5.0 LICENSING (SCOTLAND) ACT 2005**

### **(i) Hearing to consider a Premises Licence Review Proposal in terms of Section 38 of the Licensing (Scotland) Act 2005 in respect of the premises known at the Azad Tandoori, 2B Shillinghill, Alloa, FK10 1JT**

A review hearing in terms of Section 38 of the Licensing (Scotland) Act 2005 was held to consider and determine a Premises Licence Review Proposal in respect of the Premises Licence for the Azad Tandoori, 2B Shillinghill, Alloa, FK10 1JT, held by Mr Azad Zaman. Review of the licence was sought on the grounds specified in section 36(3) (a) and (b) of the Licensing (Scotland) Act 2005:

- (a) That one or more of the conditions to which the premises licence is subject has been breached, namely:

The Premises Licence Holder has breached a Mandatory Condition in terms of section 14(2)(a)(i) failure to pay the annual fee in relation to the premises licence.

A copy of the Compliance Notice issued on Thursday 22 November 2018, in terms of Section 14(2)(a)(i) of the Licensing (Scotland) Act 2005 was made available to the Board.

### **Attending**

Mr Paul Fair, Licensing Standards Officer (LSO)

Mr Andrew Crawford, Team Leader, Environmental Health & Licensing

Mr Azad Zaman, the premises licence holder, was not in attendance. The Licensing Administrator confirmed that the notice of the Review Hearing had been sent by recorded delivery and had been signed for by a person by the name of Zaman at Mr Zaman's home address. The Clerk confirmed that the Hearing could go ahead in Mr Zaman's absence if the Board agreed.

The Board heard representation from the LSO, and had the opportunity to put questions to the LSO, the Team Leader, Environmental Health & Licensing and to the Clerk. The Board heard evidence that if the premises were to open without paying the annual fee, then this would constitute an offence under the 2005 Act.

### **Motion**

That the Board agree that grounds of review are established and that it is necessary and appropriate for the purposes of the licensing objective of preventing crime and disorder to revoke the Premises Licence.

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

## **Decision**

Having considered all of the information provided and representation made, the Board was satisfied that grounds of review had been established and agreed unanimously that it was necessary and appropriate for the purposes of the licensing objective of preventing crime and disorder to revoke the Premises Licence for the premises known as Azad Tandoori, 2B Shillinghill, Alloa, FK10 1JT.

### **6.0 AOCB**

None.

Ends 9.56 am

