



MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on TUESDAY 28 MAY 2019 at 9.30 am.

PRESENT

Councillor Kenneth Earle (Convenor)
Councillor Martha Benny
Councillor Dave Clark
Councillor Helen Lewis
Councillor George Matchett, QPM
Councillor Tina Murphy

IN ATTENDANCE

June Andison, Licensing Administrator
Anne McPherson, Business Support Officer, Licensing
Paul Fair, Licensing Standards Officer
Lindsay Thomson, Senior Service Manager, Partnership & Performance (Clerk to the Board)
Melanie Moore, Committee Services

1.0 APOLOGIES

Apologies were received from Councillor Sharp, Councillor Craig Holden, Councillor Mike Watson and Police Scotland.

2.0 DECLARATIONS OF INTEREST

Councillor Lewis advised that she knew the Applicant in Item 07(i). She applied the objective test and considered that her interest in knowing the applicant was not so substantial that it would prevent her from considering the application.

3.0 MINUTES OF MEETING OF CLACKMANNANSHIRE LICENSING BOARD HELD ON 30 APRIL 2019

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 30 April 2019 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 30 April 2019 were agreed as a correct record and signed by the Chair.

Agenda items 4(i) to 4(iv) 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 1-9 (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 1-9 (inclusive) had been granted under delegated powers.

(ii) Notifications of Personal Licences Refresher Training – Granted Under Delegated Powers

A list of notifications numbered 1-3 (inclusive) for personal licences Refresher Training which had been granted under delegated powers was put before the Board for information only.

Decision

The Board agreed to note that the Personal Licences Refresher Training notification numbered 1-3 (inclusive) had been granted under delegated powers.

(iii) Applications for Personal Licences Renewals with Refresher Training – Granted Under Delegated Powers

A list of applications numbered 1-7 (inclusive) for personal licences renewals with Refresher Training which has been granted under delegated powers was put before the Board for information only.

Decision

The Board agreed to note that the Personal Licences Renewals with Refresher Training numbered 1-7 (inclusive) had been granted under delegated powers.

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

An application for transfer of licence from Hollytree, Main Street East, Menstrie which has been granted under delegated powers was put before the Board for information only.

Decision

The Board agreed to note that the Transfer of Licence from Hollytree, Main Street, East, Menstrie had been granted under delegated powers.

Moved by Councillor Kenneth Earle. Seconded by Councillor Dave Clark.

5.0 LICENSING (SCOTLAND) ACT 2005

(i) Variation of Licence (Non Minor)

Applicant: Iceland Foods Limited, c/o TLT LLP, 140 West George Street, Glasgow, F2 2HG

Premises: Iceland, 43 Shillinghill, Alloa, FK10 1JN

Attending

Mr Neil Hazard, Representative for Iceland

Mr Paul Fair, Licensing Standards Officer

The Board heard representations from the representative for Iceland and the Licensing Standards Officer and had the opportunity to put questions to both of them.

Motion

Having considered all of the information presented to it that the Board grants the application for Variation of Licence (Non Minor).

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

Decision

Having considered all of the information presented to it, the Board agreed unanimously to grant the application for Variation of Licence (Non Minor).

Action

Clerk to the Board

6.0 LICENSING (SCOTLAND) ACT 2005

(i) Application for Provisional Premises Licence

Applicant: Andrew Mackie

Premises: Bridge Street Bar, 18 Bridge Street, Dollar, FK14 7DE

Attending

Mr Andrew Mackie, Applicant

Mr Paul Fair, Licensing Standards Officer

The Clerk had received an e-mail from Mr Beveridge, Objector but he was unfortunately unable to attend the Board today. It was for the Board to decide whether to continue with this item or to postpone it. The Board agreed as they had sufficient information from the Objector, they should proceed with the application for a provisional premises licence.

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

The Board adjourned the meeting at 10.15 am to discuss the Provisional Premises Licence in private. The Board reconvened at 10.43 am. Councillor Dave Clark withdrew during this item at 10.30 am with 5 members still remaining.

Motion

Having considered all of the information presented to it that the Board grants the application for a provisional premises licence subject to the conditions set out in Appendix B (page 129) of the Licensing Standards Officer's report dated 1 May 2019 and all pool conditions from the appendix of the Statement of Licensing Policy relating to outdoor drinking areas with the exception of those relating to plastic containers.

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

Decision

Having considered all of the information presented to it the Board agreed unanimously to grant the application subject to the conditions set out in Appendix B (page 129) of the Licensing Standards Officer's report dated 1 May 2019 and all pool conditions from the appendix of the Statement of Licensing Policy relating to outdoor drinking areas with the exception of those relating to plastic containers, namely:

- In the approved outdoor area the number of patrons using this area may not exceed the number of seated places available for customers.
- In the approved outdoor area alcohol may only be consumed by persons seated at tables in that area.
- All alcohol that is removed from Bridge Street Bar Licensed area for consumption in Bridge Street Kitchen must be transferred from one premises to the other by a member of staff from either establishment who has been authorised to sell or supply alcohol and who has completed the mandatory training in accordance with the Licensing (training of Staff) (Scotland) Regulations, 2007.

- All alcohol that is brought into Bridge Street Bar licensed area from other licensed premises, and intended for consumption on the premises, must be transferred from one premises to the other by a member of staff from either establishment who has been authorised to sell or supply alcohol and who has completed the mandatory training in accordance with the Licensing (training of staff) (Scotland) Regulations, 2007.

And the Local Licensing Conditions:

- Consumptions of alcohol in the outdoor drinking is not permitted after 10.00 pm (other times may be agreed in appropriate circumstances)
- No live or recorded music, live performances or other entertainment is permitted with the outdoor drinking area.
- Customers using the outdoor drinking area shall at all times be supervised and/or monitored to ensure that nuisance or annoyance to neighbouring residents is not caused. In particular staff must take all reasonable steps to prevent shouting, singing and disorderly conduct within the outdoor area.
- Customers consuming alcohol must not be permitted to not encroach on to the footpath or any adjoining public area outwith the boundaries or the licensed outdoor drinking area.
- Where the outdoor drinking facility is to be used during the hours or darkness, the licence holder shall ensure that suitable lighting is provided for the convenience and safety of all persons on the premises.
- The outdoor drinking facility must not be used for any purpose which is likely to cause annoyance to neighbours through smell, for example, the use of barbecues.
- Any facility provided for the comfort of patrons such as outdoor heaters must be used and maintained in a safe manner and in accordance with manufacturers' instructions and any other statutory requirements.
- Where smoking is permitted in the outdoor drinking area, ashtrays or other suitable receptacles will be provided.
- Where smoking is permitted in the outdoor drinking area or in part of the outdoor area children and young persons will not be permitted to access the outdoor area or to any part of the area where smoking is permitted, or to any part of the outdoor area where second hand smoke may be present.
- The Premises Licence Holder must prepare a document for the benefit of the current Premises Manager and any staff working on the premises, explaining how compliance with the conditions of the premises licence, insofar as they relate to the licenced outdoor drinking area, will be achieved and supervised. This document must be available to staff at all times and a record should be kept of all staff trained in relation to it. This Document must also be available on the premises for inspection by the Licensing Standards Officer.
- In any outdoor drinking area attached to the premises the licence holder will be required to display such notices as prescribed by the Licensing Board. Notices prescribed in relation to these conditions may relate to such matters as
 - Noise
 - Conduct of Customers
 - Children's and Young Person's Access to the Area
 - Permitted hours of use
- Outdoor drinking areas which are adjacent to a public place or public footpath, must at all times when the area is in use be clearly delineated by a physical barrier making

the extent of the licenced area clear and obvious to any person using the area or using the adjacent public place or footpath.

- All alcohol to be consumed in the Outside Drinking Area must be taken to and from the Area by the designated premises manager or another member of staff authorised to serve to sell alcohol on their behalf. Patrons of the Premises are specifically prohibited from taking alcohol to or from the Premises to the Outside Drinking Area.

Action

Clerk to the Board

7.0 LICENSING (SCOTLAND) ACT 2005

(i) Application for Occasional Licence – 1 June 2019

Applicant: Stephen Leitch

Premises: Dollar Civic Centre, Park Place, Dollar, FK14 7AA

Event: Dollar Gala Day and Family Ceilidh – 1 June 2019

Attending

Stephen Leitch, Applicant

Mr Paul Fair, Licensing Standards Officer

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

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 141) of the Licensing Standards Officer's report dated 13 May 2019.

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

Decision

Having considered all of the information presented to it the Board agreed unanimously to grant the application subject to the conditions set out in Appendix A (page 141) of the Licensing Standards Officer's report dated 13 May 2019, namely:

- 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 licenced area.
- 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.
- The extent of the outdoor licenced 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 building.
- The points of entry and exit mentioned in condition 3 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 licenced area at any time.
- Prior to the commencement of licenced 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 particularly the requirements of the age verification policy. It will be the responsibility of the licensee to carry out this briefing.

- Only alcohol sold at the event can be consumed within the licenced area.
- Entertainment at the evening event must cease at least 15 minutes prior to the end of the event.

Action

Clerk to the Board

The Convenor requested that Item 07v be taken as the next item as the applicant was in attendance.

(v) Application for Occasional Licence – 8 June 2019

Applicant: Menstrie Bowling Club, Elmbank, Menstrie, FK11 7BY

Premises: Dumyat Public Park, Menstrie

Event: Menstrie Gala Day, Dumyat Park – 8 June 2019

Attending

Greg McMullan, representing Menstrie Gala Day

Mr Paul Fair, Licensing Standards Officer

The Board heard representation the Licensing Standards Officer and had the opportunity to put questions to him. The Board did not hear from Mr McMillan as he was neither the applicant or the personal licence holder and no authority from either was provided to allow him to speak on their behalf.

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 179) of the Licensing Standards Officer's report dated 13 May 2019.

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

Decision

Having considered all of the information presented to it the Board agreed unanimously to grant the application subject to the conditions set out in Appendix A (page 179) of the Licensing Standards Officer's report dated 13 May 2019, namely:

- 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 licenced area.
- 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.
- Only alcohol sold in accordance with this occasional licence can be consumed within the licenced area.
- The extent of the outdoor licenced 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 that no alcohol to the indoor area).
- 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 licenced area at any time.

- Prior to the commencement of licenced 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 particularly the requirements relating to the age verification policy. It will be the responsibility of the licensee to carry out this briefing.
- 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 productions on request of the Licensing Standards Officer.
- A written age verification policy must be prepared by the applicant and submitted to the Licensing Board and Licensing Standards Officer at least 72 hours prior to the event. The 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 – 1 June 2019

Applicant: Kirsty Ure

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

Event: Live Band Night Spice Girls Tribute Act – 1 June 2019

Attending

The applicant did not attend

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 that the Board grants the application for an occasional licence subject to the conditions set out in Appendix A (page 151) of the Licensing Standards Officer's report dated 9 May 2019.

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

Decision

Having considered all of the information presented to it the Board agreed unanimously to grant the application subject to the conditions set out in Appendix A (page 151) of the Licensing Standards Officer's report dated 9 May 2019, namely:

- All alcohol 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 minimum of at least 4 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 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 of other entertainment must cease at no later than 15 minutes prior to the end of licenced 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 10am the following morning.
- 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 72 hours prior to the event.
- The applicant will prepare a written age verification document to be approved as suitable by the Licensing Standard Officer at least 72 hours in advance of the event. The Age Verification Policy will set out the steps to be taken by those serving alcohol at the event, to ensure that those purchasing alcohol and who appear to the seller to be under 25 years of age are over 18 years of age. The policy will detail the documents that will be accepted by staff on duty and include a confirmation that all staff have been suitably trained in relation to the policy and will have a place for each member of staff to sign a statement confirming that they have been trained and have understood the policy.
- A copy of the Age Verification Policy and the training record relating to that Policy will be kept on the premises and made available during the period of the licence for inspection by Police Scotland or the Licensing Standards Officer.

Action

Clerk to the Board

(iii) Application for Occasional Licence – 1 June 2019

Applicant: Kirsty Ure

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

Event: Live Band Night (Stone Roses Tribute Act) – 5 October 2019

Attending

The applicant did not attend

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 that the Board grants the application for an occasional licence subject to the conditions set out in Appendix A (page 161) of the Licensing Standards Officer's report dated 9 May 2019.

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

Decision

Having considered all of the information presented to it the Board agreed unanimously to grant the application subject to the conditions set out in Appendix A (page 161) of the Licensing Standards Officer's report dated 9 May 2019, namely:

- All alcohol 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 minimum of at least 4 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 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 licenced 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 10am the following morning.
- 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 72 hours prior to the event.
- The applicant will prepare a written age verification document to be approved as suitable by the Licensing Standard Officer at least 72 hours in advance of the event. The Age Verification Policy will set out the steps to be taken by those serving alcohol at the event, to ensure that those purchasing alcohol and who appear to the seller to be under 25 years of age are over 18 years of age. The policy will detail the documents that will be accepted by staff on duty and include a confirmation that all staff have been suitably trained in relation to the policy and will have a place for each member of staff to sign a statement confirming that they have been trained and have understood the policy.
- A copy of the Age Verification Policy and the training record relating to that Policy will be kept on the premises and made available during the period of the licence for inspection by Police Scotland or the Licensing Standards Officer.

Action

Clerk to the Board

(iv) Application for Occasional Licence – 8 June 2019

Applicant: Lynne Hunter

Premises: Alloa Town Hall, Marshall, Alloa

Event: Live Band Night – 8 June 2019

Attending

The applicant did not attend

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 that the Board grants the application for an occasional licence subject to the conditions set out in Appendix A (page 171) of the Licensing Standards Officer's report dated 13 May 2019.

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

Decision

Having considered all of the information presented to it the Board agreed unanimously to grant the application subject to the conditions set out in Appendix A (page 171) of the Licensing Standards Officer's report dated 13 May 2019, 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 licensee can be consumed at the event.
- A minimum of least 4 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.

- All Staff and Stewards must be briefed in emergency evacuation procedures at 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.
- Only trained staff 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 licenced 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 10am the following morning.
- 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 72 hours prior to the event.
- The applicant will prepare a written age verification document to be approved as suitable by the Licensing Standard Officer at least 72 hours in advance of the event. The Age Verification Policy will set out the steps to be taken by those serving alcohol at the event, to ensure that those purchasing alcohol and who appear to the seller to be under 25 years of age are over 18 years of age. The policy will detail the documents that will be accepted by staff on duty and include a confirmation that all staff have been suitably trained in relation to the policy and will have a place for each member of staff to sign a statement confirming that they have been trained and have understood the policy.
- A copy of the Age Verification Policy and the training record relating to that Policy will be kept on the premises and made available during the period of the licence for inspection by Police Scotland or the Licensing Standards Officer.

Action

Clerk to the Board.

(vi) Application for Occasional Licence – 8 June 2019

Applicant: Drysdales Catering, Summerhill, Clarebrand, Castle Douglas, DG7 3AQ

Premises: Marquee, Blackgrange Field, A907, Alloa

Event: Stirling Agricultural Show – 8 June 2019

Attending

The applicant did not attend

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 that the Board grants the application for an occasional licence subject to the conditions set out in Appendix A (page 191) of the Licensing Standards Officer's report dated 14 May 2019.

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

Decision

Having considered all of the information presented to it the Board agreed unanimously to grant the application subject to the conditions set out in Appendix A (page 191) of the Licensing Standards Officer's report dated 14 May 2019, namely:

- No alcohol is to be removed from the licensed area (i.e. from the marquee and identified outdoor drinking area) and the licensee must ensure that staff levels are sufficient to ensure compliance with this condition.

- A notice must be positioned at each exit from the licensed area in a location that is conspicuous and easily readable, reminding all customers that alcohol must not be removed from the licensed area. This notice should be no less than A4 in size.
- All alcohol sold for consumption on the premises must be supplied in plastic drinking vessels or decanted into such a plastic drinking vessel by the staff prior to supply the customer.
- A Personal Licence Holder who is responsible for authorising all sales of alcohol must be present and working within the bar for the duration of the event.
- The outdoor drinking area and extent of the licensed area (if different) must be clearly identified with a fixed barrier which is at least 1 metre high (such as a series of stakes and ropes, or other temporary fence).
- Only alcohol sold in the licensed area can be consumed within the licensed area.

The Board also agreed an additional condition:-

- That at least 1 SIA Steward must be on duty to control entry to the licensed area with the marquee.

Action

Clerk to the Board.

The Convenor requested that Item 9 is to be taken before Item 8.

9.0 AOCB – Occasional Licence Application

A report submitted by the Clerk invited the Board to consider whether it wishes to shorten the period of notice for an Occasional Licence application.

Motion

That the Board agrees the recommendations set out in the report.

Moved by Councillor Kenneth Earle. Seconded by Councillor Helen Lewis.

Decision

Having considered the information in this report, the Board agreed not to shorten the period of notice.

Action

Clerk to the Board.

At the conclusion of Item 9, Councillor George Matchett, QPM withdrew from the meeting. The Board then became inquorate.

8.0 Annual Functions and Annual Financial Report 2018/19

The Clerk agreed as there was no quorum, that the 4 members of the Board could discuss the report without taking any decisions.

Ends 12 noon

