



MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on TUESDAY 10 DECEMBER 2019 at 9.30 am.

PRESENT

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

IN ATTENDANCE

June Andison, Licensing Administrator
Anne McPherson, Business Support Officer, Licensing
Lindsay Thomson, Senior Service Manager, Partnership & Performance (Clerk to the Board)
Gillian White, Committee Services

1.0 APOLOGIES

Apologies were received from Councillor Mike Watson, Councillor Craig Holden, Councillor Tina Murphy, Councillor Les Sharp and Paul Fair, Licensing Standards Officer.

2.0 DECLARATIONS OF INTEREST

None

3.0 MINUTES OF MEETING OF CLACKMANNANSHIRE LICENSING BOARD HELD ON 12 NOVEMBER 2019

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 12 November 2019 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 12 November 2019 were agreed as a correct record and signed by the Convenor.

Agenda items 4(i) to 4(ii) were put before the Board for information only as they had been granted under delegated powers. Items 4(i) to 4(ii) were considered together as one item.

4.0 LICENSING (SCOTLAND) ACT 2005

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

A list of applications 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 had been granted under delegated powers.

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

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

Decision

The Board agreed to note that the applications for minor variation of licences had been granted under delegated powers.

5.0 LICENSING (SCOTLAND) ACT 2005

(i) Application for Variation of Licence (Non Minor)

Premises: No. 5 Inn, Middleton Bridge, Brook Street, Alva, FK12 4JL

Applicant: David Hamilton White

Attending

Mrs White, for the applicant

An application for a variation of licence (non-minor) which had attracted a representation from the Licensing Standards Officer, was put before the Board for determination. There were no objections or representations received from Police Scotland.

The Licensing Standards Officer, in his report, set out the reasons for the application and his comments on the application. The Board heard representation from Mrs White, on behalf of the Applicant, Mr White, and had the opportunity to put questions to Mrs White.

The application sought to vary the premises licence No. CC152 as set out below:

- a. To change the terms of children's and young person's access to the premises;
- b. To add a permanent consent for live performances on the premises;
- c. To amend the commencement hour on Sundays to allow alcohol sales from 11 am;
- d. To amend the operating plan to include a seasonal variation to allow live music performances in the outdoor area on the day of the "Famous Alva Games" each year; and
- e. To replace the existing outdated local outdoor drinking conditions with any selection of the pool conditions mentioned in the Licensing Board Statement of Licensing Policy.

The Clerk asked members to consider whether any grounds for refusal existed and took the opportunity to remind members of the statutory grounds of refusal.

Motion

Having considered all of the information presented to it and having had the opportunity to ask questions, that the Board, having determined that no grounds for refusal apply, grants the application for a variation to the premises licence, subject to the application of conditions set out in Appendices A and B of the Statement of Licensing Policy.

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

Decision

Having considered all of the information presented to it and having had the opportunity to ask questions, the Board, having determined that no grounds for refusal applied, unanimously agreed to grant the application for a variation to the premises licence, subject to the application of conditions set out in Appendices A and B, namely:

- Children and young persons will only be admitted to the premises in accordance with the circumstances detailed in the operating plan (i.e. for meals/drinks and pre-booked events) and that any such pre-booked events are recorded in an events diary kept on the premises at all times and be available for inspection by the Police and Licensing Standards Officer at any time when the premises are open;
- Consumption of alcohol in the outdoor drinking area is prohibited after 10.00 pm (except on Alva Games night where alcohol consumption will be permitted until 11.15 pm);
- The disposal of glass and other waste material likely to generate noise, from the premises to a bin or other receptacle outside the confines of the building is prohibited between 9.00pm and 8.00 am each day.
- No live or recorded music, live performances or other entertainment is permitted within the outdoor drinking area (with the exception of a seasonal variation to allow live music performances in the outdoor area on the day of the "Famous Alva Games" each year);
- Customers using the outdoor 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;
- Consumers consuming alcohol must not be permitted to encroach on to the footpath or any adjoining public area outwith the boundaries of the licensed outdoor drinking area;
- Where the outdoor drinking facility is to be used during the hours of darkness, the licence holder shall ensure that suitable lighting is provided for the convenience and safety of all persons on the premises; and
- 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 barbeques.

Action

Clerk to the Board

6.0 AOCB

None

Ends: 09.45 hrs

