



MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held in COUNCIL CHAMBERS, KILNCRAIGS, ALLOA, on TUESDAY 29 AUGUST 2023 at 9.30 am.

PRESENT

Councillor Kenneth Earle (Chair)
Councillor Donald Balsillie
Councillor Martha Benny
Councillor William Keogh
Councillor Fiona Law
Councillor Mark McLuckie

IN ATTENDANCE

Shaun Carroll, Licensing Paralegal
Paul Fair, Licensing Standards Officer
Lee Robertson, Senior Manager, Legal and Governance (Clerk to the Board)
Melanie Moore, Committee Services
Gillian White, Committee Services

1.0 APOLOGIES

Apologies were received from Councillor Graham Lindsay and Councillor Darren Lee.

2.0 DECLARATIONS OF INTEREST

Councillor McLuckie declared a non-financial interest in Item 4iv relating to Braehead Golf Club. As he is a member of Braehead Golf club, Councillor McLuckie advised he would withdraw from the Chamber for the duration of that item of business.

3.0 MINUTE OF MEETING OF CLACKMANNANSHIRE LICENSING BOARD – 27 JUNE 2023

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 27 June 2023 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 27 June 2023 were agreed as a correct record and signed by the Chair.

4.0 LICENSING (SCOTLAND) ACT 2005

(i) Application for Grant of Premises Licence

Premises: The Ochil Suite, Sauchie Juniors Football Club, Beechwood
Park, Sauchie, FK10 3AX
Applicant: Sauchie Juniors Football Club

Attending

Mr Noel Dalli, President, Sauchie Juniors Football Club (Applicant)
Mr Paul Fair, Licensing Standards Officer

The Board heard representations from the Licensing Standards Officer and Mr Dalli, President of Sauchie Juniors Football Club (Applicant). The Board then had the opportunity for questions to both parties. There were no objections received from Police Scotland or Environmental Health.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for the grant of a premises licence with the conditions as set out in bold in Appendix A of the Licensing Standards Officer's report along with the additional condition as set out in paragraph 10 of the LSO report.

Moved by Councillor Martha Benny. Seconded by Councillor Mark McLuckie.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the application for a premises licence with the conditions as set out in bold in Appendix A of the Licensing Standards Officer's report along with the additional condition as set out in paragraph 10 of the LSO report; namely:

- Consumption of alcohol in the outdoor drinking areas is not permitted after 10.00pm.
- No live or recorded music, live performances or other entertainment is permitted within the outdoor drinking areas.
- Customers using the outdoor drinking areas 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.
- 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.
- 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 access to 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.
- (on days where a sporting event is to take place during licensed hours) Only Plastic Polycarbonate or other unbreakable drinking vessels may be used in the outdoor drinking area. All drinks whether alcoholic or not must be decanted from any glass containers into unbreakable drinking vessels.
- Only alcohol that has been sold on the premises can be consumed in the outdoor areas.
- The licence holder will ensure that all legislation (current and future) and all published guidance from an official body such as Police Scotland, the Scottish Football Association, Scottish Government or Clackmannanshire Council (current and future) in relation to the control of alcohol at designated sporting events is complied with on and in connection with the licensed premises"

Action

Clerk to the Board

(ii) **Application for Non-Minor Variation – The Red Lion**

Premises: The Red Lion, 148 High Street, Tillicoultry, FK13 6DU

Applicant: Jack and Lesley Blair

Attending

Mrs Lesley Blair, The Red Lion (Applicant)

Mr Paul Fair, Licensing Standards Officer

The Board heard representations from the Licensing Standards Officer and Mrs Blair, The Red Lion (Applicant). The Board then had the opportunity for questions to both parties.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for the non-minor variation with the addition of a local licensing condition as set out in paragraph 7 of the LSO report.

Moved by Councillor Donald Balsillie. Seconded by Councillor Mark McLuckie.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the application for the non-minor variation with the addition of a local licensing condition as set out in paragraph 7 of the LSO report; namely:

- Pre-planned events where children or young persons are being allowed to remain on the premises after 10pm must be recorded in an events diary kept on the premises. This diary entry should include the name and contact number of the event organiser, the date of the event and the date of the booking. Any such diary should be 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.

Action

Clerk to the Board

(iii) **Application for Non-Minor Variation – The Old Brewery**

Premises: The Old Brewery, East Vennel, Alloa

Applicant: Greene King Retailing Limited

Attending

Mr Adrian Howlett, Belhaven Pubs (Agent for the Applicant)

Mr Paul Maclagan, Business Development Manager, Greene King Retailing Limited

Mr Connor Carty, Premises Manager, The Old Brewery

Mr Paul Fair, Licensing Standards Officer

The Board heard representations from the Licensing Standards Officer and Mr Howlett (Agent for the Applicant). The Board then had the opportunity to for questions to both parties and to Mr Maclagan and Mr Carty.

Motion

Having considered all of the information presented to it and having had opportunity for questions to all parties, that the Board grants the application for the non-minor variation.

Moved by Councillor Donald Balsillie. Seconded by Councillor William Keogh.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the application for the non-minor variation.

Action

Clerk to the Board

As advised at the start of the meeting, Councillor McLuckie declared a non-financial interest in Item 4iv relating to Braehead Golf Club. As he is a member of Braehead Golf club, Councillor McLuckie withdrew from the Chamber for the duration of the item of business.

(iv) Application for Non-Minor Variation – Braehead Golf Club

Premises: Braehead Golf, Alloa Road, Cambus FK10 2NT

Applicant: Braehead Golf Club

Attending

Mrs Jean Reid, Club Administrator, Braehead Golf Club (Applicant)

Mr Paul Fair, Licensing Standards Officer

The Board heard representations from the Licensing Standards Officer and Mrs Reid (Applicant). The Board then had the opportunity for questions to both parties.

Motion

Having considered all of the information presented to it and having had opportunity for questions to both parties, that the Board grants the application for the non-minor variation.

Moved by Councillor Donald Balsillie. Seconded by Councillor Fiona Law.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the application for the non-minor variation.

Action

Clerk to the Board

Councillor Mark McLuckie re-joined the meeting prior to the following item of business.

(v) Application for Non-Minor Variation – The Bobbing John

Premises: The Bobbing John, 46 Drysdale Street, Alloa

Applicant: JD Wetherspoon (Scotland) Limited

Attending

Mr Archie MacIver, Brunton Miller Solicitors (Agent for the Applicant)

Mr Paul Fair, Licensing Standards Officer

The Board heard representations from the Licensing Standards Officer and Mr MacIver (Agent for the Applicant). The Board then had the opportunity for questions to both parties.

Motion

Having considered all of the information presented to it and having had opportunity for questions to both parties, that the Board grants the application for the non-minor variation to remove a condition from the "Local Conditions".

Moved by Councillor William Keogh. Seconded by Councillor Donald Balsillie.

Decision

Having considered all of the information presented to it and having had opportunity for questions to both parties, the Board agreed unanimously to grant the application for the non-minor variation to remove a condition from the "Local Conditions", namely:

- **Condition Removed:** Condition No.19 (For Licensed public spaces only) The licensed area must be supervised by an SIA licensed Steward between 6pm and closure on each Friday and Saturday (applies only when the area is in use).

Action

Clerk to the Board

(vi) **Application for Transfer of Application of Licence Holder and Non-Minor Variation – Eddy's Food Station**

Premises: 1 Woodburn Drive, Alloa, FK10 2HL

Applicant: Eddy's Food Station, 31 South Tay Street, Dundee, DD1 1NP

Attending

Mr Gordon Emslie, GNE Consultancy Limited (Agent for the Applicant)

The Licensing Standards Officer advised that he had no comment on this application. The Board heard representation from Mr Emslie (Agent for the Applicant). The Board then had the opportunity for questions.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for the transfer of application of licence holder and non-minor variation.

Moved by Councillor Kenneth Earle. 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 for the transfer of application of licence holder and non-minor variation.

Action

Clerk to the Board

(vii) **Application for Occasional Licence – Beer Festival**

Dates: 13 and 14 October 2023

Premises: Marquee situated in the grounds of The Hive, Park Place, Dollar, FK14 7AA

Applicant: Dollar Community Development Trust

Attending

Mr Christopher Hudd, Trustee, Dollar Community Development Trust (Applicant)

Mr Paul Fair, Licensing Standards Officer

The Board heard representations from the Licensing Standards Officer and Mr Hudd, Dollar CDT (Applicant). The Board then had the opportunity for questions to both parties.

Motion

Having considered all of the information presented to it and having had opportunity for questions to both parties, that the Board grants the occasional licence application, subject to the conditions set out in Appendix A of the Licensing Standards Officer's report including an amendment to the content of the notice to be displayed as set out in condition 2 to read "No alcohol can be removed from the **marquee area**".

Moved by Councillor Fiona Law. Seconded by Councillor Kenneth Earle.

Decision

Having considered all of the information presented to it and having had opportunity for questions to both parties, the Board unanimously agreed to grant the occasional licence application, subject to the conditions set out in Appendix A of the Licensing Standards Officer's report to include an amendment to the content of the notice to be displayed as set out in condition 2 to read "No alcohol can be removed from the **marquee area**". The conditions are therefore:

1. 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 licensed area.
2. A clear and legible notice of no less than A4 size must be placed in a position where it can be conveniently read by persons seeking to leave the marquee, which states that "**No alcohol can be removed from the marquee area.**"
3. Commemorative glasses being removed from the licensed area must be empty of all contents.
4. All staff making sales of alcohol or responsible for the service of alcohol must be trained in accordance with the terms of the Licensing (Training of Staff) (Scotland) Regulations 2007. (The Requirements of this training have been full explained to the applicant).
5. Prior to the commencement of licensed hours all staff working at the event in a capacity where they are selling or serving alcohol, must be properly briefed on the mandatory and local conditions of the licence, in particularly the requirements of the age verification policy. It will be the responsibility of the applicant to carry out this briefing.
6. Only alcohol sold by the licence holder can be consumed within the licensed area.
7. A minimum of 2, SIA licensed door supervisors will be on duty for the duration of the licensed hours on Saturday 14 October, 2023. Particulars of these stewards will be provided in writing to the Licensing Standards Officer at least 72 hours in advance of the commencement of the event. (Particulars means, Full Name, and Current SIA Licence number and type).

Action

Clerk to the Board

5.0 GENERAL PERMITTED EXTENSION - FESTIVE PERIOD 2023 -24

The report, submitted by the Clerk to the Licensing Board, enabled the Licensing Board to consider its approach to the festive period 2023-4.

Motion

That the Board agree the recommendations set out in the report, with the chosen dates for the general extension period being during the periods from 15th to 17th December inclusive and from 22nd December 2023 to 2nd January 2024 inclusive.

Moved by Councillor Mark McLuckie. Seconded by Councillor Fiona Law.

Decision

The Board agreed unanimously:

1. To note that the Statement of Licencing Policy has incorporated the Festive Policy;
2. That any general extension incorporated into the Statement of Licensing Policy 2018 shall be in place during the periods from 15th to 17th December 2023 inclusive and from 22nd December 2023 to 2nd January 2024 inclusive; and
3. That the final general extension incorporated into the Statement of Licensing Policy shall end 2nd January 2024, as this is the last non working day of the festive period.

Action

Clerk to the Board

6.0 AOCB

Councillor Donald Balsillie asked the Licensing Standards Officer to monitor the effects of the General Permitted Extension for the Festive Period 2023/24 and provide a short report to the Licensing Board on the impact of the additional hours.

The Licensing Standards Officer confirmed that he will enquire with the licensed premises as to the impact of the Board's decision.

Action

Licensing Standards Officer

Ends: 11.52 hrs

