



**MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held in COUNCIL CHAMBERS, KILNCRAIGS, ALLOA, on TUESDAY 23 APRIL 2024 at 9.30 am.**

**PRESENT**

Councillor Kenneth Earle (Chair)  
Councillor Donald Balsillie  
Councillor William Keogh (Teams)  
Councillor Fiona Law  
Councillor Darren Lee

**IN ATTENDANCE**

Paul Fair, Licensing Standards Officer  
Dale Bell, Solicitor, Legal and Governance (Depute Clerk to the Board)  
Lezli-Anne Sharp, Licensing Administrator  
Melanie Moore, Committee Services (Minute)  
Gillian White, Committee Services

**1.0 APOLOGIES**

Apologies were received from Councillor Mark McLuckie, Councillor Graham Lindsay and Councillor Martha Benny.

**2.0 DECLARATIONS OF INTEREST**

None.

**3.0 MINUTES OF MEETINGS OF CLACKMANNANSHIRE LICENSING BOARD HELD ON 20 FEBRUARY 2024**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 20 February 2024 were submitted for approval.

**Decision**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 20 February 2024 were agreed as a correct record and signed by the Chair.

**4.0 LICENSING (SCOTLAND) ACT 2005**

**(i) Application for Non Minor Variation of Premises Licence – Woolpack Inn**

Premises: Woolpack Inn, 1 Glassford Square, Tillicoultry, FK13 6AU  
Applicant: Andrew Michie

**Attending**

Andrew Michie, Applicant  
Ms Janet Hood, Licensing Consultant, Gilson Gray, Agent  
Mr Paul Fair, Licensing Standards Officer

The Board heard representation from the Licensing Standards Officer and the Applicant's agent.

## **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 of Premises Licence.

Moved by Councillor Donald Balsillie. Seconded by Councillor Darren Lee.

## **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 of Premises Licence for Woolpack Inn, Tillicoultry.

## **Action**

Depute Clerk to the Board

### **(ii) Application for Non Minor Variation of Premises Licence – Morrisons Daily**

Premises: Morrisons Daily, 93-95 Main Street, Sauchie, FK10 3JT  
Applicant: Alliance Property Holdings Limited, Hilmore House, Gain Lane,  
Bradford, BD3 7DL

## **Attending**

Kenneth MacInnes, Applicant (via MS Teams)  
Alex Green, Solicitor, Gosschalks, Agent (via MSTeams)  
Mr Paul Fair, Licensing Standards Officer

The Board heard representation from the Licensing Standards Officer and the Applicant's agent.

## **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 of Premises Licence subject to the conditions set out in Appendix A (page 29) of the Licensing Standards Officer's Report.

Moved by Councillor Kenneth Earle. 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 for the Non Minor Variation of Premises Licence for Morrisons Daily, Sauchie subject to the conditions set out in Appendix A of the Licensing Standards Officer's Report, namely:

1. A written Age Verification Policy (AVP) must be kept and applied to all sales of alcohol for delivery to any place off the premises. This AVP must set out the steps that are to be taken to establish the age of a person attempting to take delivery of alcohol ("the customer") if it appears to the person making delivery of the alcohol that the customer appears to be less than 25 years of age (or such older age as may be specified in the policy).
2. Information must be provided to customers whether online or in store that Alcohol will only be left at the delivery address with a person who can prove that they are over 18 years of age.
3. Premises Licence holders and Premises Managers must ensure that all persons involved in the delivery of alcohol from the premises have received appropriate training in the content and application of the Age Verification Policy to be applied to all deliveries.
4. A record of all persons trained in relation to the Age Verification Policy will be kept on the premises and made available to the Licensing Standards Officer and any Constable of Police Scotland.

5. A copy of the training record referred to in No 4 above should be supplied to delivery agent on completion of the training.
6. Licence holders and Premises Managers will ensure that all persons involved in the delivery of alcohol from the premises have received appropriate training to ensure that deliveries of alcohol are not made to persons who are or appear to be drunk.
7. Licence holders using Royal Mail, a private postal service, a courier service or independent delivery drivers will ensure that an age verified signed for delivery option is utilised that requires any package containing alcohol to be left with an adult over 18 at the specified delivery address and at no other place.
8. The premises licence holder will ensure that records of all alcohol deliveries are retained on the premises and that those records contain the following information, the forename and surname of the purchaser, the delivery address, the quantity and type of alcohol delivered and the purchase price.
9. All records, electronic or written made in relation to the delivery of alcohol will be kept on the premises for at least 12 months and will be made available on demand to a Licensing Standards Officer for the area where the premises are located or to a Constable of Police Scotland.

**Action**

Depute Clerk to the Board

(iii) **Section 28(5), Premises Licence Holder Dissolved – Weirs (Alloa) Social & Recreation Club**

The Licensing Board confirmed by declaration that premises Licence No CC137 is no longer in effect in accordance with the terms of Section 28(1)(b) of the Licensing Scotland Act, 2005.

**Action**

Depute Clerk to the Board

**The Depute Clerk advised that the next item of business is exempt due to the sensitive nature of the papers and would be taken in private. All members agreed to this and there were no members of the public either in Council Chambers or on MS Teams.**

(iv) **Application for Grant of Personal Licence – Shaun McAra**

**Attending**

Shaun McAra, Applicant  
Mr Paul Fair, Licensing Standards Officer  
Sergeant Malcolm O'May, Police Scotland

The Board heard representation from the Licensing Standards Officer, the Applicant and Police Scotland.

Following questions, the Chair asked members not connected to this item to leave Chambers and to give the Board the opportunity to discuss the outcome in private. Mr Fair, Mrs Sharp, Sergeant O'May and Mr McAra withdrew from Council Chambers at 10.22 hours. They re-joined the meeting at 10.41 hours with 5 members of the Board present.

The Chair advised that having listened to the evidence he was not convinced that the applicant had shown any meaningful remorse. He agreed with the statement of the Chief Constable that Mr McAra is not a fit and proper person to hold such a licence.

**Motion**

Having considered all of the information presented to it and having had the opportunity for questions that the Board refuse the application for a Personal Licence as the applicant is not a fit and proper person to hold such a licence.

Moved by Councillor Kenneth Earle. Seconded by Councillor Donald Balsillie.

**Decision**

Having considered all of the information presented to it and having had the opportunity for questions the Board agreed to refuse the application for a Personal Licence as the applicant is not a fit and proper person.

**Action**

Depute Clerk to the Board

**5.0 AOCB**

**(i) Update on Publication of Statement of Licensing Policy (Verbal Update)**

Mr Fair gave an update on the Statement of Licensing Policy. All the work had been finalised and published with a new photograph. All the consultees have been notified. There were very few changes and the final submission is now available on the Council website. Mr Fair will arrange for members of the Board to receive a finished copy of the policy.

Ends: 10:48 am