



MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held in the COUNCIL CHAMBER, KILNCRAIGS, ALLOA, on TUESDAY 27 AUGUST 2024 at 9.30 am.

PRESENT

Councillor Kenneth Earle (Chair – Via Teams)
Councillor Donald Balsillie
Councillor Martha Benny
Councillor Fiona Law
Councillor Darren Lee (Via Teams)
Councillor Graham Lindsay.

IN ATTENDANCE

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

The Chair advised that he had been unable to attend the meeting in-person that morning and would Chair virtually via Teams.

1.0 APOLOGIES

Apologies were received from Councillor William Keogh and Councillor Mark McLuckie.

2.0 DECLARATIONS OF INTEREST

None.

3.0 MINUTES OF MEETINGS OF CLACKMANNANSHIRE LICENSING BOARD HELD ON 21 MAY 2024

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 21 May 2024 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 21 May 2024 were agreed as a correct record and signed by the Chair.

4.0 LICENSING (SCOTLAND) ACT 2005 – VARIATION OF LICENCES (NON-MINOR)

The Chair advised that he would take Items 4i-v together as one item of business as they all related to various stores of the Co-operative Group Food Limited.

- (i)-(v) Premises:** Co-operative Group Food Limited – Various Stores:
- i. 23/25 Main Street, Clackmannan, FK10 4JA
 - ii. 70 Stirling Street, Alva, FK12 5ED
 - iii. 26 Ochil Street, Tullibody, FK10 2PT
 - iv. 44 Tullibody Road, Alloa, FK10 2LX Alloa
 - v. 74 High Street, Tillicoultry, FK13 6AB
- Applicant:** Co-operative Group Food Limited
- Agent:** Lewis Barn, Hill Brown Licensing

Attending

Mr Paul Fair, Licensing Standards Officer (LSO)

Mr Lewis Barn, Hill Brown Licensing

The Board heard representation from the Licensing Standards Officer and from Mr Lewis Barn, Hill Brown Licensing, on behalf Licence Holder. There were no objections received from Police Scotland.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the applications for the Variation of Licence (Non-Minor) subject to the conditions set out in Appendix A (page 9) of the Licensing Standards Officer's Report.

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

Decision

Having considered all the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the applications for the Variation of Licence (Non Minor) subject to the conditions set out in Appendix A (page 9) of the Licensing Standards Officer's Report, namely:

Local Conditions Home Delivery Of Alcohol

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

- (vi) **Premises:** The Inn, Muckhart
Applicant: Lorna Graham, John Gibson and Sons, T/A The Mansfield Arms

Attending

Mr Paul Fair, Licensing Standards Officer (LSO)
Lorna Graham, John Gibson and Sons, T/A The Mansfield Arms (Applicant)

The Board heard representation from the Licensing Standards Officer. Ms Graham did not make a representation. There were no objections received from Police Scotland.

Motion

Having considered all of the information presented to it and having had opportunity for questions, that the Board grants the application for the Variation of Licence (Non-Minor) subject to the conditions set out in Appendix A (page 84) of the Licensing Standards Officer's Report.

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

Decision

Having considered all the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the applications for the Variation of Licence (Non-Minor) subject to the conditions set out in Appendix A (page 84) of the Licensing Standards Officer's Report, namely:

List of Outdoor Drinking Area Licence Conditions

1. Consumption of alcohol in the outdoor drinking is not permitted after 10.00pm. (other times may be agreed in appropriate circumstances).
2. No live or recorded music, live performances or other entertainment is permitted within the outdoor drinking area.
3. 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.
4. In particular staff must take all reasonable steps to prevent shouting, singing and disorderly conduct within the outdoor area.
5. 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.

6. 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.
7. Where smoking is permitted in the outdoor drinking area, ashtrays or other suitable receptacles will be provided.
8. 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.
9. 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 licensed 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.
10. 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 this conditions may relate to such matters as:
 - o Noise;
 - o Conduct of Customers;
 - o Children's and Young Person's Access to the Area;
 - o Permitted hours of use.

Action

Depute Clerk to the Board

Ends: 10:03 am