



MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held in the COUNCIL CHAMBER, KILNCRAIGS, ALLOA, on TUESDAY 1 OCTOBER 2024 at 9.30 am.

PRESENT

Councillor Kenneth Earle (Chair)
Councillor Donald Balsillie
Councillor Martha Benny
Councillor Darren Lee (Via Teams)
Councillor William Keogh (Via Teams)
Councillor Mark McLuckie (in at 11.12 am)

IN ATTENDANCE

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

1.0 APOLOGIES

Apologies were received from Councillor Fiona Law and Councillor Graham Lindsay.

2.0 DECLARATIONS OF INTEREST

None.

3.0 MINUTES OF MEETINGS OF CLACKMANNANSHIRE LICENSING BOARD HELD ON 27 AUGUST 2024

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 27 August 2024 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 27 August 2024 were agreed as a correct record and signed by the Chair.

4.0 LICENSING (SCOTLAND) ACT 2005

(i) Application for Premises Licence - Premier

Premises: Premier, 32 Harris Court, Alloa, FK10 1DD
Applicant: Yuvaa Ltd, 35/6 Stenhouse Gardens, Edinburgh, EH11 3LS

Attending

Mr Paul Fair, Licensing Standards Officer (LSO)
Mr Gordon Emslie, GNA Consultancy, Agent for the Applicant

The Board heard representation from the Licensing Standards Officer and from Mr Gordon Emslie, GNA Consultancy the Applicants Agent. 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 Premises Licence subject to the conditions set out in Appendix A (page 35) of the Licensing Standards Officer's Report.

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

Decision

Having considered all the information presented to it and having had opportunity for questions, the Board agreed unanimously to grant the application for the Premises Licence subject to the conditions set out in Appendix A (page 35) 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 record 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

(ii) Application for Premises Licence – Clackmannan Road Service Station

Premises: Alloa Clackmannan Road Service Station, Clackmannan Road, Alloa, FK10 1QY
Applicant: Motor Fuel Ltd, 10 Bricket Road, St Albans, AL1 3JX

Attending

Mr Paul Fair, Licensing Standards Officer (LSO)
Andrew Hunter, Harper MacLeod, Agent for the Applicant

The Board heard representation from the Licensing Standards Officer and Mr Andrew Hunter, Harper MacLeod the Applicants Agent. 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 Premises Licence subject to the conditions set out in Appendix B (page 66) of the Licensing Standards Officer's Report with additional wording at conditions 4 and 5.

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

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 Premises Licence subject to the conditions set out in Appendix B (page 66) of the Licensing Standards Officer's Report with additional wording at conditions 4 and 5, 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. **(applies only to delivery agents employed by or at the premises)**

5. A copy of the training record referred to in No 4 above should be supplied to delivery agent on completion of the training. **(applies only to delivery agents employed by or at the premises)**
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

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.

(iii) Application for Grant of Personal Licence – Keeley Davis

Attending

Ms Keeley Davis, Applicant
Mr Gordon Guthrie, Applicants Representative
Mr Paul Fair, Licensing Standards Officer
Sergeant David Bellingham, Police Scotland

The Board heard representation from the Licensing Standards Officer, the Applicant, the Applicants Representative 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, Mr Carroll, Chief Inspector Kat Thompson, Sergeant Bellingham, Mr Guthrie and Ms Davis withdrew from Council Chambers at 11.08 hours. The Board asked for the Licensing Standard Officer, Police Scotland and the Applicant to come back into Chambers separately for more questions and discussion with the Board. Councillor McLuckie joined during this part of the meeting. Everybody re-joined the meeting at 12.28 hours. Mr Carroll advised that option 2 should not be on list as this was incorrect.

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 on the basis of the Submissions presented and the grounds for refusal of a Personal Licence were met. That the Licensing Board decide that applicant is not a fit and proper person to be the holder of a personal licence including having regard to the licencing objectives.

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

Decision

Having considered all of the information presented to it and having had the opportunity for questions the Board refused the application for a Personal Licence on the basis of the Submissions presented by the Licensing Standards Officer, Police Scotland and the Applicant, therefore the grounds for refusal of a Personal Licence were met. The Licensing Board determined that the applicant was not a fit and proper person to hold a personal licence in including having regard to the licencing objectives, in terms of the Licensing Scotland Act 2005.

Action

Depute Clerk to the Board

The Chair advised that item 5, The Chief Constable's Report would be taken as the next item of business.

The next report was not exempt.

5.0 CHIEF CONSTABLE'S REPORT TO THE CLACKMANNANSHIRE LICENSING BOARD FOR THE PERIOD 2023-2024

Attending

Chief Inspector Kat Thompson, Police Scotland
Sgt David Bellingham, Police Scotland (Licensing Officer)

The Chief Constable, Police Scotland, submitted the Annual Licencing Report for 2022/23, in accordance with Section 12(A) of the Licensing (Scotland) Act 2005.

The Board heard a presentation from Chief Inspector Kat Thompson on the Chief Constable's report and had the opportunity to put questions to her. The Chief Inspector advised the Board that next years report will also include the previous years data by means average as this was also done for Audit and Scrutiny Committee.

Decision

Having commented on and challenged the report as appropriate and having had the opportunity for questions, the Board agreed to note the information provided in the Chief Constable's Report to the Clackmannanshire Licensing Board 2023-2024.

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.

4.0 LICENSING (SCOTLAND) ACT 2005

(iv) Personal Licence Holder Notification of Relevant Conviction – Zoe Wallace

Attending

The applicant was not in attendance
Mr Paul Fair, Licensing Standards Officer
Sergeant David Bellingham, Police Scotland

The Board heard representation from the Licensing Standards Officer and Police Scotland. The Licensing Standards Officer advised that they have been unable to contact the applicant. He advised that has hand delivered information and also sent by recorded delivery, which was not collected.

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 on the basis of the Submissions presented and the grounds for refusal of a Personal Licence were met. That the

Licensing Board decide that applicant is not a fit and proper person to be the holder of a personal licence including having regard to the licencing objectives.

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

Decision

Having considered all of the information presented to it and having had the opportunity for questions the Board refused the application for a Personal Licence on the basis of the Submissions presented by the Licensing Standards Officer, Police Scotland and the Applicant, therefore the grounds for refusal of a Personal Licence were met. The Licensing Board determined that the applicant was not a fit and proper person to hold a personal licence in including having regard to the licencing objectives, in terms of the Licensing Scotland Act 2005.

Action

Depute Clerk to the Board

Ends: 13:25 pm