



## NOTICE OF MEETING

*6 January 2025*

**A MEETING of the CLACKMANNANSHIRE LICENSING BOARD will be held VIA MS TEAMS, on TUESDAY 14 JANUARY 2025 AT 9.30 AM.**



**DALE BELL**

**Depute Clerk to the Clackmannanshire Licensing Board**

	<b>Page No</b>
1. Apologies	--
2. Declarations of Interest	--
<p>Elected Members are reminded of their obligation to declare any financial or non-financial interest which they may have in any item on this agenda in accordance with the Councillors' Code of Conduct. A Declaration of Interest Form should be completed and passed to the Committee Services Officer.</p>	
3. Confirm Minute of Meeting of the Clackmannanshire Licensing Board held on 5 November 2024 (Copy herewith)	03
4. <b>Section 36(3)(b) of the Licensing (Scotland) Act, 2005: Premises Licence Review Application for the Coalsnaughton Burns Club, 2 Main Street, Coalsnaughton FK13 6JP (Premises Licence Number CC135)</b> Report by the Licensing Standards Officer (Copy herewith)	07
5. AOCB	--

## Clackmannanshire Licensing Board – Board Members 8 (Quorum 4)

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### Councillors

### Wards

Councillor	Kenneth Earle (Chair)	4	Clackmannanshire South	LABOUR
Councillor	Mark McLuckie (Vice Chair)	1	Clackmannanshire West	LABOUR
Councillor	Darren Lee	1	Clackmannanshire West	CONSERVATIVE
Councillor	Graham Lindsay	1	Clackmannanshire West	SNP
Councillor	Donald Balsillie	2	Clackmannanshire North	SNP
Councillor	Martha Benny	2	Clackmannanshire North	CONSERVATIVE
Councillor	William Keogh	2	Clackmannanshire North	LABOUR
Councillor	Fiona Law	2	Clackmannanshire North	SNP

The quorum for the Board by virtue of Schedule 1 paragraph 12(1) of the Licensing (Scotland) Act 2005 is 4 members



**MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held in the COUNCIL CHAMBER, KILNCRAIGS, ALLOA, on TUESDAY 5 NOVEMBER 2024 at 9.30 am.**

**PRESENT**

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

**IN ATTENDANCE**

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

**1.0 APOLOGIES**

Apologies were received from Councillor Mark McLuckie and Councillor Graham Lindsay.

**2.0 DECLARATIONS OF INTEREST**

None.

**3.0 MINUTES OF MEETINGS OF CLACKMANNANSHIRE LICENSING BOARD HELD ON 1 OCTOBER 2024**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 1 October 2024 were submitted for approval.

**Decision**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 1 October 2024 were agreed as a correct record and signed by the Chair.

#### **4.0 GENERAL EXTENSION OF LICENSED HOURS – FESTIVE PERIOD 2024-25**

The report, submitted by the Clerk to the Board, enabled the Licensing Board to consider its approach to the festive period 2024-5.

The Licensing Standards Officer queried the period “14 to 16 December 2024 inclusive” as these dates covered the Saturday to the Monday. In previous years, the festive period would generally commence on the Friday through to the Sunday. The Clerk confirmed that the dates set out within the report were incorrect and that the dates should be from Friday 13 December 2024 to Sunday 15 December 2024 inclusive.

#### **Motion**

That the Board agree the recommendations set out in the report, subject to the correction advised by the Clerk.

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

#### **Decision**

The Board:

1. Noted that the Statement of Licencing Policy has incorporated the Festive Policy
2. Agreed that any general extension incorporated into the Statement of Licensing Policy 2023 shall be in place during the periods from 13th to 15th December 2024 inclusive and from 20th December 2024 to 2<sup>nd</sup> January 2024 inclusive.
3. Noted 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

#### **5.0 LICENSING SCOTLAND ACT 2005 – PREMISES LICENCE REVIEWS AND NOTIFICATION OF CONDUCT INCONSISTENT WITH THE LICENSING OBJECTIVES**

1. **Consideration of Premises Licence Review Application made by Police Scotland in terms of Section 36(1) of the Licensing (Scotland) Act 2005 in respect of the premises number CC098, known as Day Today (Alva 24), 107 Stirling Street, Alva, Clackmannanshire, FK12 5EF (Premises Licence Holder Dishanth Jokarasa) and the corresponding report made by the Licensing Standards Officer in terms of the Licensing (Scotland) Act, 2005 Section 28(4); and**
2. **Consideration of Premises Licence Review Application in respect of the premises number CC098, known as Day Today (Alva 24), 107 Stirling Street, Alva, Clackmannanshire, FK12 5EF (Premises Licence Holder Dishanth Jokarasa) and Notification of Conduct Inconsistent with the Licensing Objectives Licensing (Scotland) Act, 2005, Section 84B (Personal Licence Holder Dishanth Jokarasa SC/2540) made by the Licensing Standards Officer.**

#### **Attending**

Dishanth Jokarasa, Premises Licence Holder  
Interpreter, Global Voices  
Paul Fair, Licensing Standards Officer  
Sergeant David Bellingham, Police Scotland

Having heard representation from Police Scotland, the Licensing Standards Officer and the Premises Licence Holder regarding application number 1, the Clerk asked the Board to confirm whether they thought grounds exist for a review before proceeding to ask questions of all parties.

The Board confirmed that grounds for review are established in relation to the premises licence CC098, as set out in the review application made by Police Scotland. Having agreed that grounds for review are established, the Board agreed to defer a decision on the Review Application from Police Scotland until conclusion of questions and consideration of application number 2, submitted by the Licensing Standards Officer.

Having had the opportunity to put questions to all parties, the Board agreed to adjourn at this point in the proceedings (11.05 am) for a comfort break. When the meeting resumed at 11.15 am, 6 members of the Board remained present.

The Board then heard representation from the Licensing Standards Officer and the Premises Licence Holder regarding application number 2 and the Board had the opportunity to put questions to both parties.

At this point in the proceedings, the Chair advised at 12.35 pm that the meeting would adjourn for a 30 minute meal break. When the meeting resumed at 1.10 pm, 6 members of the Board remained present.

The Board continued to put questions to both the Licensing Standards Officer and the Premises Licence Holder.

The Board agreed to adjourn the meeting at 2.00 pm to take legal advice. The meeting resumed at 3.20 pm with 6 members of the Board present.

### **Motion**

That the Board confirms that grounds for review are established in relation to the premises licence CC098, as set out in the review application made by Police Scotland and the review application made by the Licensing Standards Officer.

That having considered all of the information presented to it and having had opportunity for questions, that the Licensing Board agree to revoke the Premises Licence for Alva 24, 107 Stirling Street, Alva, FK12 5EF as the licence holder, Disanth Jokarasa is not a fit and proper person to hold a such a licence; that the Board find that one or more of the conditions to which the premises licence is subject has been breached; and that the Board revoke the Personal Licence SC/2540 issued by Stirling Licensing Board, being satisfied that the conduct of the personal licence holder was inconsistent with the licensing objectives.

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

Councillor Balsillie called for a roll call vote and the Board agreed that a vote be taken by calling the roll and at this stage there were 6 Members present who were eligible to vote. On the roll being called the Members present voted as follows:

### **For the motion (6)**

Councillor Kenneth Earle  
Councillor Donald Balsillie  
Councillor Fiona Law  
Councillor Martha Benny  
Councillor Darren Lee  
Councillor William Keogh

### **Against the motion (0)**

### **Abstain from voting (0)**

The motion was unanimously carried.

## **Decision**

That having considered all of the information presented to it and having had the opportunity for questions, the Licensing Board unanimously:

1. Confirmed that grounds for review were established in relation to the premises licence CC098, as set out in the review application made by Police Scotland and the review application made by the Licensing Standards Officer.
2. Agreed to revoke the Premises Licence for Alva 24, 107 Stirling Street, Alva, FK12 5EF as the licence holder, Disanth Jokarasa is not a fit and proper person to hold a such a licence;
3. Found that one or more of the conditions to which the premises licence is subject has been breached ; and
4. Agreed to revoke the Personal Licence SC/2540 issued by Stirling Licensing Board, being satisfied that the conduct of the personal licence holder was inconsistent with the licensing objectives.

Having made the decision outlined above, both licenses were revoked with immediate effect.

The Clerk advised that he would write to Stirling Council, who had issued the personal licence, to inform them that Dishanth Jokarasa's personal licence has been revoked with immediate effect.

## **Action**

Clerk to the Board

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In terms of s84(2) of the 2005 Act, the Licensing Board separately considered whether the conduct of Marypuspa Dishanth (the individual who is named on and whom signed the apparently falsified training record identified during the LSO visit of 12 September, 2024 as set out in the Licensing Standards Officer's review application), was inconsistent with the licensing objectives.

## **Motion**

In terms of s84(2) of the 2005 Act, having considered the information set out in the Licensing Standards Officer's report, that the Board find that Marypuspa Dishanth's conduct is inconsistent with the licencing objectives and that the matter should be considered at a later hearing of the Licensing Board.

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

## **Decision**

The Board unanimously agreed that, in terms of s84(2) of the 2005 Act, having considered the information set out in the Licensing Standards Officer's report, the Board found that Marypuspa Dishanth's conduct was inconsistent with the licencing objectives and that they will consider the matter separately at a later hearing of the Licensing Board.

## **Action**

Clerk to the Board

Ends: 3.51 pm



**Licensing Board  
Licensing (Scotland) Act 2005  
MEETING: 14<sup>th</sup> January 2024 at 09:30hrs**

**THIS PAPER RELATES TO  
ITEM 4  
ON THE AGENDA**

Applicant/ Subject	Type	Comments
Coalsnaughton Burns Club	Premises Licence Review Application	LSO Application attached.  The Licensing Board are therefore asked to consider all the information before it and having done so to determine whether to:-  <ol style="list-style-type: none"><li>1. Revoke the licence</li><li>2. Suspend the licence</li><li>3. Vary the Licence</li><li>4. Take no further action</li></ol>







## Memo

To: **The Clerk to the Licensing Board  
Kilncraigs  
Greenside Street  
Alloa  
FK10 1EB**

From: **Paul Fair  
Licensing Standards Officer**

Extension: **2091**

Email: **pfair@clacks.gov.uk**

Our Ref: **PF/LSO/PLRA/CC135**

Your Ref:

Date: **18 December, 2024**

Subject: **Licensing (Scotland) Act, 2005, Section 36.  
Premises Licence Review – Unpaid Fees  
Coalsnaughton Burns Club, 2 Main Street, Coalsnaughton FK13 6JP**

1. In the terms of Section 36(3)(b) of the Licensing (Scotland) Act, 2005 I wish to make application to review premises licence Number CC135 granted by Clackmannanshire Licensing Board in favour of Coalsnaughton Burns Club.
2. The legislative provisions relating to premises licence review application are contained within Appendix A to this report.
3. This review application is made in relation to a breach of mandatory condition No 10(2) of premises licence No CC135. This condition requires the annual fee for the premises licence to be paid.
4. I can confirm that I have complied with the requirements of Section 36(4)(a) and 36(4)(b) as they relate to the service of a statutory compliance notice.
5. The licence holder has failed to comply with the terms of that notice to my satisfaction, in that the annual fee remains unpaid.
6. The service copy of the notice will be included with the Board papers, and I can confirm that the notice was properly served personally by myself, by leaving it at the premises.
7. The annual fee £180 was due on 1<sup>st</sup> October, 2024, the licence holder was sent an invoice for the amount due and the due date in August 2024.
8. A number of reminders have also been sent to the licensed premises.
9. The premises have remained closed for a significant period now, with very little communication from the Premises Licence Holders.

10. In all the circumstances I would suggest to the Licensing Board, that the grounds for review do exist, relating to the failure to comply with the Statutory Notice served.

11. In the event that the Licensing Board agrees with the suggestion in Paragraph 10, and subject to any representation made to the Licensing Board by the Licence holder I would recommend that they revoke premises licence no CC135.

*Paul Fair*

Licensing Standards Officer.

## Appendix A

### Licensing (Scotland Act, 2005 -Section 36 Application for review of premises licence

(1) Any person may apply to the appropriate Licensing Board in respect of any licensed premises in relation to which a premises licence has effect for a review of the licence on any of the grounds for review.

(2) An application under subsection (1) is referred to in this Act as a “premises licence review application”.

(3) The grounds for review referred to in subsection (1) are—

[F1(za)that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence,]

(a) that one or more of the conditions to which the premises licence is subject has been breached, or

(b) any other ground relevant to one or more of the licensing objectives.

(4) A Licensing Standards Officer may make a premises licence review application on the ground specified in subsection (3)(a) only if—

(a) in relation to the alleged ground for review, the Officer or any other Licensing Standards Officer has issued to the licence holder a notice under section 14(2)(a)(i), and

(b) the licence holder has failed to take the action specified in the notice to the satisfaction of the Officer.

(5) A premises licence review application must specify the alleged ground for review, including in particular—

[F2(za)where the ground is that specified in subsection (3)(za), a summary of the information on which the applicant's view that the alleged ground applies is based,]

(a) where the ground is that specified in subsection (3)(a), the condition or conditions alleged to have been breached,

(b) where the ground is that specified in subsection (3)(b), the licensing objective or objectives to which the alleged ground of review relates.

