



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 2nd 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

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