



**MINUTES OF MEETING of the CLACKMANNANSHIRE LICENSING BOARD held in the COUNCIL CHAMBER, KILNCRAIGS, ALLOA, on TUESDAY 18 FEBRUARY 2025 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  
Lee Robertson, Senior Manager, Legal and Governance (Clerk to the Board)  
Sarah Goldberg, Team Leader, Legal and Governance  
Shaun Carrol, Licensing Paralegal  
Lezli-Anne Sharp, Licensing Administrator  
Melanie Moore, Committee Services (Minute)

**1.0 APOLOGIES**

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

**2.0 DECLARATIONS OF INTEREST**

None.

**3.0 MINUTES OF MEETINGS OF CLACKMANNANSHIRE LICENSING BOARD HELD ON 5 NOVEMBER 2024**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 14 January 2025 were submitted for approval.

**Decision**

The minutes of the meeting of the Clackmannanshire Licensing Board held on Tuesday 14 January 2025 were agreed as a correct record and signed by the Chair.

**4.0 LICENSING (SCOTLAND) ACT 2005 – APPLICATIONS FOR VARIATION OF LICENCE**

**(i) Application for Variation of Licence – Auld Brigg Filling Station**

Premises: Auld Brigg Filling Station, Auld Brigg Road, Alloa FK9 5QB  
Applicant: Penny Petroleum, Old Station House, Powburn, Alnwick,  
Northumberland, NE66 4HU

**Attending**

Mr Paul Fair, Licensing Standards Officer (LSO)  
Caroline Loudon, Agent for the Applicant

The Board heard representation from the Licensing Standards Officer. There were no objections received from Police Scotland.

The Licensing Standards Officer (LSO) advised the Board that there was a slight error made on reporting on this application and missed the two words "home deliveries". This would normally attract a representation from the LSO which wasn't made in this instance. The LSO apologised regarding this and had no objections to the matter and the only thing the LSO would have asked for was a set of Standard Local Conditions that are applied for home deliveries to this application. The only issue he had was the agent representing the application has had no opportunity to examine the conditions and given the opportunity to object at this time.

The Board also heard from the agent for the application. She advised that she did not know anything about this and asked for advice from the Clerk.

The Clerk advised that there would be an adjournment for 10 minutes (9.45am) to consider the next steps.

The Board resumed at 9.52am. The Clerk asked for another adjournment at 9.53am. The Board resumed at 10.07am with 5 members present.

The Clerk advised that the Board would not be hearing from the Licencing Standards Officer in relation to this in terms of any objections or confirmations that he may have in relation to this application. The Clerk advised that in terms of the statement of licencing policy, that is a public document, and the expectation will be that the Board can apply the conditions in relation to that policy to this application.

### **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 for Licence subject to applying the Standard Local Conditions for home deliveries.

Moved by Councillor Fiona Law. 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 application for the Variation of Licence subject to applying the Standard Local Conditions for home deliveries, 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**

Clerk to the Board

### **(ii) Application for Variation of Licence – Sasa Convenience Store**

Premises: Sasa Convenience Store, Holton Crescent, Sauchie, FK10 3DQ  
 Applicant: Akila Sajeevan, Sauchie

### **Attending**

Mr Paul Fair, Licensing Standards Officer (LSO)

The applicant was not in attendance

The Board heard representation from the Licensing Standards Officer. There were no objections received from Police Scotland. The applicant had submitted additional information in writing to the Board.

### **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 subject to the conditions set out in Appendix A (page 39) of the Licensing Standards Officer's Report.

Moved by Councillor Darren Lee. 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 A (page 39) 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**

Clerk to the Board

#### **(iii) Application for Variation of Licence – Lodge Ladywell (1474) Social Club**

Premises: Lodge Ladywell (1474) Social Club, 6A Banchory Place, Tullibody,  
FK10 2SL  
Applicant: M Empson, Secretary Lodge Ladywell (1474) Social Club

#### **Attending**

Mr Paul Fair, Licensing Standards Officer  
The applicant was unable to attend

The Board heard representation from the Licensing Standards Officer.

#### **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 subject to the conditions set out in Appendix A (page 51) of the Licensing Standards Officer's Report.

Moved by Councillor Fiona Law. Seconded by Councillor Darren Lee.

#### **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 A (page 51) of the Licensing Standards Officer's Report, namely:

## Local Conditions Outdoor Drinking Areas

1. Consumption of alcohol in the outdoor drinking is not permitted after 10.00 pm. (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. No live or recorded music, live performances or other entertainment being offered on the premises should be audible or visible in the outdoor area.
4. 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. In particular staff must take all reasonable steps to prevent shouting, singing and disorderly conduct within the outdoor area.
5. Customers consuming alcohol must not be permitted to not encroach on to the footpath or any adjoining public area outwith the boundaries or the licenced outdoor drinking area.
6. 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.
7. 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.
8. Where smoking is permitted in the outdoor drinking area, ashtrays or other suitable receptacles will be provided.
9. 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 where smoking is permitted, or to any part of the outdoor area where second hand smoke may be present.
10. 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.
11. 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:
  - a. Noise;
  - b. Conduct of Customers;
  - c. Children's and Young Person's Access to the Area;
  - d. Permitted hours of use.
12. Outdoor drinking areas which are adjacent to a public place or public footpath, must at all time when the area is in use be clearly delineated by a physical barrier making the extent of the licensed area clear and obvious to any person using the area or using the adjacent public place or footpath.
13. Where the outdoor area is adjacent to an area that is located within the confines of any public alcohol consumption byelaw then a notice (at least A4 in size) to this effect must be erected in a position that it is clearly visible and legible by the licence holder within the area reminding patrons of the consequences of consuming alcohol in the byelaw area.

**Action**

Clerk to the Board

**5.0 LICENSING (SCOTLAND) ACT 2005 SECTION 84 – FINDING OF CONDUCT INCONSISTENT WITH THE LICENSING OBJECTIVES**

Personal Licence Holder – Marypuspa Dishanth

The report submitted by the Licensing Standards Officer, provided a summary of events leading to a hearing to consider the appropriate disposal by the Licensing Board of a finding made under Section 84(2).

**Attending**

Mr Paul Fair, Licensing Standards Officer  
The Licence Holder was not in attendance

The Board heard representation from the Licensing Standards Officer.

**Motion**

Having considered all of the information presented to it and having had opportunity for questions, that the Board revokes the Personal Licence for Marypuspa Dishanth (CC994). The reasons given were that the Personal Licence Holder is not a fit and proper person

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

**Decision**

Having considered all the information presented to it and having had opportunity for questions, the Board agreed unanimously to revoke the Personal Licence for Marypuspa Dishanth as they are not a fit and proper person to hold that licence.

**Action**

Clerk to the Board

**6.0 AOCB**

None.

Ends: 10.50 am