

FALKIRK COUNCIL

MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 23 OCTOBER 2013 at 9.30 A.M.

PRESENT: Baillie Buchanan; Councillors Black, McLuckie, Nicol, Nimmo, Ritchie and Turner.

CONVENER: Councillor M Nicol.

ATTENDING: Clerk; Consumer Protection Manager; Solicitor (P Gilmour); Licensing Co-ordinator (R Watson), and Committee Services Officer (A Fraser).

ALSO

ATTENDING: Licensing Standards Officers (D Frood and T Ross).

LB66. ORDER OF BUSINESS

The Convener varied the order of business. The following items have been recorded in the order that they were taken at the meeting.

LB67. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Hughes and McNally.

LB68. DECLARATIONS OF INTEREST

No declarations were made.

LB69. MINUTE

The minute of the meeting of the Licensing Board held on 11 September 2013 was approved.

LB70. Noble Leisure Company Limited, 77-79 High Street, Falkirk

With reference to Minute of Meeting of the Licensing Board held on 14 August 2013 (Paragraph LB45 refers), there was submitted report (circulated) dated 11 October 2013 from the Clerk to the Licensing Board (a) providing details of an application made in terms of the Gambling Act 2005 for the grant of a bingo premises licence; (b) advising that the application was part heard on 14 August 2013 and continued to allow an inspection of the premises to be carried out by Members of the Board, and (c) confirming that Members of the Board had made a site inspection of the premises on 7 October 2013.

A copy of the amended proposed layout plan was circulated for members' information.

Having heard from the applicant's agent in support of his client's application and in clarification of questions raised by Members, the Board **GRANTED** the application for a bingo premises licence.

The Board **NOTED** the applicant's undertaking to surrender the two Adult Gaming Centre licences with immediate effect and that no persons under the age of 18 years would be permitted on the premises.

LB71. Shop and Café, 1 Mannerston Holdings, By Linlithgow

There was submitted Report (circulated) dated 11 October 2013 from the Clerk to the Licensing Board providing details of an application made in terms of the Licensing (Scotland) Act 2005 for the grant of a provisional premises licence.

Having heard from the applicant in support of his application and in clarification of questions raised by Members, the Board **GRANTED** the application for a provisional premises licence.

LB72. Ada Polish Shop, 9 North Street, Bo'ness

There was submitted Report (circulated) dated 11 October 2013 from the Clerk to the Licensing Board providing details of an application made in terms of section 20 of the Licensing (Scotland) Act 2005 for the grant of a new premises licence.

Having heard from the applicant's representative in support of the application and in clarification of questions raised by Members, the Board **GRANTED** the application for a new premises licence, subject to the following condition, namely:

- (1) that the alcohol to be sold be restricted to Polish origin.

LB73. Outside Inn, Glenbervie Business Park, Bellsdyke Road, Larbert

With reference to Minute of Meeting of the Licensing Board held on 11 September 2013 (Paragraph LB62 refers), there was submitted report (circulated) dated 11 October 2013 from the Clerk to the Licensing Board (a) providing details of an application made in terms of section 29 of the Licensing (Scotland) Act 2005 for the grant of a variation to the premises licence; (b) advising that the application was part heard on 11 September 2013 and continued to allow an inspection of the premises to be carried out by Members of the Board, and (c) confirming that Members of the Board had made a site inspection of the premises on 7 October 2013.

Having heard from the applicant's agent in support of his client's application and in clarification of questions raised by Members, the Board **GRANTED** the following variations to the current licence, subject to the amendments made by the applicant being reflected in the operating plan submitted with the application:-

- (1) to vary the access hours for children and young persons, as follows:
 - children under 16 years of age must be accompanied by an adult
 - children and young persons will be allowed on the premises for the purpose of taking a meal
 - children 0-15 years of age will not be allowed in the bar area after 2130. They may remain in all other areas until the terminal hour. Young persons will be allowed entry until the terminal hour
 - children and young persons will be allowed into all the areas delineated green on the premises layout plan
- (2) the on-sales trading hours be varied to:

Sunday to Thursday 1100 hrs to 12 midnight
Friday and Saturday 1100 hrs to 0100 hrs
- (3) to the following approved activities being provided outwith the core operating hours:
 - restaurant facilities
 - bar meals
 - receptions including weddings, funerals, birthdays, retirements, etc
 - club or other group meetings, etc
 - recorded music
 - live performances
 - dance facilities
 - gaming
 - indoor/outdoor sports
 - televised sport
 - outdoor drinking facilities.

LB74. Spar, 241 Thornhill Road, Falkirk

With reference to Minute of Meeting of the Licensing Board held on 12 June 2013 (Paragraph LB29 refers), there was submitted Report (circulated) dated 11 October 2013 from the Clerk to the Licensing Board (a) providing details of an application made in terms of section 29 of the Licensing (Scotland) Act 2005 for the grant of a variation to the premises licence; (b) advising that the application was part heard on 12 June 2013 and continued to allow an inspection of the premises to be carried out by Members of the Board; (c) confirming that Members of the Board had made a site inspection of the premises on 30 July 2013, and (d) referring to the application being called at the meeting of the Board on 14 August but was continued to allow the licence holder to be in attendance.

Having heard from the applicant in support of his application and in clarification of questions raised by Members, the Board **GRANTED** the following variations to the current licence, namely:-

- (1) to the addition of a television which must not exceed 30” in size, on the premises for the purpose of watching films and sports and which will be solely for viewing by the licensee and his family which will require the addition of the following to the list of approved activities -

- recorded music within core operating hours
- films within core operating hours
- televised sport within core operating hours

(2) to change the name of the premises from Spar to Thornhill Convenience Store.

LB75. Storm Nightclub, Meadow Street, Falkirk

There was submitted report (circulated) dated 17 October 2013 from the Clerk to the Licensing Board providing details of an application made in terms of section 29 of the Licensing (Scotland) Act 2005 for the grant of a variation to the premises licence.

Having heard from the applicant's agent in support of his client's application and in clarification of questions raised by Members, the Board **GRANTED** the following variations to the current licence, subject to the amendments made by the applicant being reflected in the operating plan submitted with the application:-

(1) to the addition of the following to the list of approved activities:

Within and Outwith Core Hours

- Conference facilities, club or other group meetings etc., theatre, films

Outwith Core Hours

- Receptions including weddings, funerals, birthdays, retirements etc., recorded music, live performances, gaming

(2) the addition of other activities within and outwith core hours as follows:

- Dance classes, weight watchers, fitness classes, martial arts demonstrations/classes, children's parties

(3) to allow children and young persons' access as follows –

- children and young persons will only be permitted on the premises if accompanied by a parent or a responsible adult
- no children or young persons will be permitted on the premises within core hours other than to attend a private function
- there will be no private functions within core hours when the premises are open to the public and being used as a nightclub
- all private functions will finish no later than 12 midnight
- children aged 6 to 15 years inclusive and young persons aged 16 & 17 years will be allowed entry

(4) to amend the on sales trading hours as follows –

Monday to Wednesday 2000 hrs to 0100 hrs

Thursday 2000 hrs to 0200 hrs

Friday and Saturday 2000 hrs to 0300 hrs

Sunday 2000 hrs to 0200 hrs

The applicant gave an undertaking that appropriate stewarding would be in place if any 18th birthday parties were held on the premises.

LB76. M & N Licensed Grocers, 10 Blinkbonny Road, Falkirk

There was submitted report (circulated) dated 11 October 2013 from the Clerk to the Licensing Board providing details of an application made in terms of section 29 of the Licensing (Scotland) Act 2005 for the grant of a variation to the premises licence.

After discussion, and having heard from the applicant in support of his application and in clarification of questions raised by Members, the Board **APPROVED** (1) a variation to the layout plan showing an increase in the existing alcohol display area, and (2) a variation to the operating plan to reflect an increased capacity of 1.86m³.

The Board agreed to a short adjournment. The Board adjourned at 10.30 a.m. and reconvened at 10.50 a.m. with all Members present as per the sederunt.

LB77. Burnhead Bowling Club, Queens Drive, Larbert

There was submitted report (circulated) dated 17 October 2013 from the Clerk to the Licensing Board providing details of an application made in terms of section 29 of the Licensing (Scotland) Act 2005 for the grant of a variation to the premises licence.

Having heard from the applicant in support of his application and in clarification of questions raised by Members, the Board **GRANTED** the following variation to the current licence, namely:-

- (1) the addition of an outdoor drinking area as detailed on the layout plan submitted with the application, with a corresponding addition of outdoor drinking facilities within core hours to the list of activities in the operating plan, and that the terminal hour for outdoor drinking be 2100 hrs.

LB78. Nando's, Unit 16A, Central Retail Park, Falkirk

There was submitted Report (circulated) dated 11 October 2013 from the Clerk to the Licensing Board providing details of an application made in terms of the Licensing (Scotland) Act 2005 for the grant of a provisional premises licence.

Having heard from the applicant's agent in support of her client's application and in clarification of questions raised by Members, the Board **GRANTED** the application for a provisional premises licence, subject to the terminal hour for the outdoor drinking facility being restricted to 2200 hrs.

LB79. Springfield Service Station, Camelon Road, Camelon

With reference to Minute of Meeting of the Licensing Board held on 12 January 2009, there was submitted Report (circulated) dated 16 October 2013 from the Clerk to the Licensing Board (a) advising that the application was originally submitted in terms of the transitional arrangements under the Licensing (Scotland) Act 2005; (b) detailing the decision of the Board and the reason for the application being refused; (c) referring to the applicant's subsequent appeal against the decision of the Licensing Board and (d) attaching as Appendix 2 to the Report, the Judgement of the Sheriff Principal.

A copy of a Customer Survey Final Report dated June 2012 was circulated to Members for their information.

Having regard to the information before it and having heard from the Convener, the Board **GRANTED** the application for a premises licence.

LB80. BP Earlsgate Service Station, Falkirk Road, Grangemouth

With reference to Minute of Meeting of the Licensing Board held on 11 September 2008, there was submitted Report (circulated) dated 17 October 2013 from the Clerk to the Licensing Board (a) advising that the application was originally submitted in terms of the transitional arrangements under the Licensing (Scotland) Act 2005; (b) detailing the decision of the Board and the reason for the application being refused; (c) referring to the applicant's subsequent appeal against the decision of the Licensing Board, and (d) attaching as Appendix 3 to the Report, the Judgement of the Sheriff Principal.

Having regard to the information before it and having heard from the Convener, the Board **GRANTED** the application for a premises licence.

LB81. Mohammad Usman Aslam Choudhry

With reference to Minute of Meeting of the Licensing Board held on 11 September 2013 (Paragraph LB65 refers), there was submitted report (circulated) dated 11 October 2013 by the Clerk to the Licensing Board (a) referring to the Review Hearing of the premises licence for The Local Store, 18 Nisbet Drive, Denny held on 14 August 2013; (b) detailing the Board's finding in terms of section 84(2) of the Licensing (Scotland) Act 2005 that the designated premises manager, Mohammad Usman Aslam Choudhry, being a personal licence holder, while working on the premises at The Local Store, 18 Nisbet Drive, Denny had acted in a manner which was inconsistent with the licensing objectives of preventing crime and disorder and protecting children from harm, and (c) advising that the Board had on 11 September, held a Hearing on Mr Choudhry's personal licence and had agreed to continue the matter to allow him an opportunity to undertake further training to gain a clearer understanding of the licensing objectives.

Mohammad Choudhry, personal licence holder, was in attendance and accompanied by an interpreter to assist him in the proceedings.

The Board heard from Mr Choudhry on the training he had recently undertaken. He gave the Board an explanation of the five licensing objectives and how these would be applied in the course of his business.

Questions were then asked of Mr Choudhry by Members of the Board.

The Licensing Standards Officer was then heard in clarification of questions raised by Members of the Board.

After due consideration of the matter before it, and in accordance with section 84(6) of the Act, the Board **AGREED** that it was satisfied that it was necessary for the purposes of the licensing objectives of preventing crime and disorder, and protecting children from harm to make an Order in terms of section 84(7) **ENDORISING** Mohammad Usman Aslam Choudhry's personal licence NL/0933 issued by North Lanarkshire Licensing Board.

LB82. Equality Act 2010 – Draft Multi Equality Strategy 2013

With reference to Minute of Meeting of the Licensing Board held on 14 August 2013 (Paragraph LB53 refers), there was submitted Report (circulated) dated 7 October 2013 from the Consumer Protection Manager (a) referring to the action plan approved by the Board and the subsequent changes made to the equalities outcomes; (b) advising that the revised strategy had been sent to consultees with the consultation period extended to 30 September 2013, and (c) attaching as an appendix to the report, a copy of the amended draft Multi-Equality Strategy 2013.

After discussion, the Board **APPROVED** the amended strategy as set out in Appendix 2 to the report.

LB83. Dates of Licensing Board Meetings: January to December 2014

There was submitted Report (circulated) dated 18 September 2013 from the Clerk to the Licensing Board detailing the proposed Licensing Board dates from January to December 2014.

The Board **APPROVED** the dates for meetings of the Licensing Board from January to December 2014.