

FALKIRK COUNCIL

MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 10 DECEMBER 2013 at 9.30 A.M.

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

CONVENER: Councillor Nicol.

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

ALSO

ATTENDING: D Oliver, Food and Safety Co-ordinator, and T Ross, Licensing Standards Officer.

LB95. 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.

LB96. APOLOGIES

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

LB97. DECLARATIONS OF INTEREST

Baillie Buchanan declared a non-financial interest in LB106 as a family member of the appellant had recently approached him for a reference and considered that this required him to recuse himself from consideration of the business, having had regard to the objective test in the Code of Conduct.

LB98. MINUTE

The minute of the meeting of the Licensing Board held on 20 November 2013 was approved.

LB99. GAMBLING ACT 2005 – 1 LADYSGATE COURT, CARRONSHORE, FALKIRK

There was submitted Report (circulated) dated 3 December 2013 from the Clerk to the Licensing Board providing details of an application made in terms of the Gambling Act 2015 for the variation of a Premises Licence – Betting (Other).

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

Having heard from the applicant's representative in support of the application and in clarification of questions raised by Members, the Board **GRANTED** the variation to the layout of the premises as detailed on the proposed layout plan.

LB100. APPLICATIONS FOR EXTENDED HOURS

There was submitted Report (circulated) dated 3 December 2013 from the Clerk to the Licensing Board providing details of applications made in terms of section 68 of the Licensing (Scotland) Act 2005 for the grant of extended hours as detailed in appendix 1 to the report.

The Board noted the issues in the Licensing Standards Officer's report relating to the Oxbang House Hotel and having heard from the applicant's representative in clarification of questions, were satisfied that the matters had been addressed.

After discussion, the Board **GRANTED** the extended hours for each application detailed in the appendix attached to this minute, subject to the inclusion of an application lodged for Behind the Wall.

LB101. BOWHOUSE HOTEL, BOWHOUSE ROAD, GRANGEMOUTH

There was submitted report (circulated) dated 3 December 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 representative in support of the application and in clarification of questions raised by Members, the Board **GRANTED** the following variations to the current licence, namely to:-

- (1) the addition of restaurant facilities, bar meals, theatre and film to the list of approved activities within and outwith core operating hours;
- (2) include the provision of conference facilities, live performances and televised sport outwith core operating hours;
- (3) amend the seasonal variation to allow the licence holder to take advantage of the additional hours that may be available in terms of the Board's statement of licensing policy including the festive season;
- (4) the addition of charity nights and quizzes to the list of additional activities;
- (5) amend opening hours outwith core licensed hours to allow the premises to open at 0900 hours Monday to Saturday for the purpose of providing breakfasts, teas, coffees, to holder meetings or receptions e.g. funerals, and
- (6) vary access times to which children and young persons will be allowed entry, as follows:-
 - children and young persons will be allowed entry for the purpose of attending a private function, when children aged 0-5 years will be permitted until 2300 hours, with children and young persons aged 6-17 years being allowed entry until the terminal hour. Children and young persons will also be allowed entry for the purpose of having a meal from 1100 hours to 2100 hours.

LB102. CAMELON JUNIORS SOCIAL CLUB

There was submitted report (circulated) dated 3 December 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 her application and in clarification of questions raised by Members, the Board **GRANTED** the following variations to the current licence, namely to:-

- (1) vary the description of the premises as follows:

Camelon Juniors Social Club is a members club and operates from a single storey building comprising, function hall with bar server, separate lounge/ bar with bar server, games room and all appropriate services including ladies and gents toilets, kitchens, offices etc. The club premises are located immediately adjacent to a junior football stadium and are situated in a residential street in a residential area of Camelon.

Whilst the social club is an entirely separate organisation from Camelon Juniors Football Club who are the operators of the adjoining junior football stadium, the social club has historically operated in close co-operation with the football club on match days, specifically as a provider and a venue for match day hospitality to the officials and players of visiting junior football clubs and also as a provider of pre and post match facilities for visiting supporters and their families. The football stadium is also used from time to time as a venue for the staging of various other football matches and sporting events such as representative matches, amateur and youth football finals, football festivals, school sports and for events in connection with the Camelon "Mariner's Day" celebrations etc. As such, the social club is used as a venue for related hospitality and where necessary for additional changing accommodation.

In connection with its operation as a members club, the club provides a lounge/ bar and a function room both of which are used for members' functions such as dances, dinners, cabaret shows and the like. On occasion, the function room is used as a venue for family celebration events and by other users such as youth football clubs as a venue for fund raising events, dinners, dances, presentations, charity fund-raising events and the like, all in accordance with appropriate occasional licences granted by Falkirk Council Licensing Board.

- (2) vary the terms under which children and young persons will be allowed entry and parts of the premises to which children and young persons will be allowed entry, as follows:-
 - children will be permitted only if accompanied by a parent, guardian, or other responsible adult. Children and young persons will be admitted if attending in connection with a junior football match being played at the adjoining Camelon Juniors Stadium under the jurisdiction of the Scottish Junior Football Association. Children and young persons will be admitted if attending in connection with participation in a children's or youth football match, sports day or similar event being held in the adjoining Camelon Juniors Stadium by local schools, the Mariner's Day Committee or under the jurisdiction of the Scottish Football Association, Scottish Amateur, Welfare, Youth and Ladies Football Associations or any related local or regional Association affiliated thereto;
 - (i) children and young persons will be allowed entry when attending a junior football match being held in the afternoon from 1200 until 1800 hours; (ii) children and young persons will be allowed entry when attending a junior football match being held in the evening from 1700 until 2200 hours; (iii) children and young persons will be allowed entry when attending in connection with participation in a children's or

youth football match or similar event from 2 hours before the start of the event until the end of 2 hours after the conclusion of the event; (iv) children and young persons will be allowed entry when attending a fundraising and/or presentation event in connection with a children's or youth football club or similar organisation from the time of commencement until 2230 hours; (v) children will be allowed entry when attending a private family celebration event 0-5 years of age inclusive from the time of commencement until 2230 hours with children aged 6-15 years of age inclusive from the time of commencement until the terminal hour, and (vi) young persons aged 16 & 17 years will be allowed entry when attending a fundraising or family celebration event until the terminal hour.

- Children and young persons will be allowed entry to the function room, ladies and gents toilets and all routes of access thereto and egress therefrom.

The Board **NOTED** that an amended layout plan would be submitted to the Licensing Section to reflect the above variations.

LB103. HEARING ON PERSONAL LICENCE HOLDER FC0717

There was submitted Report (circulated) dated 3 December 2013 from the Clerk to the Licensing Board (a) advising that an application had been received from the Chief Constable, Police Scotland to review personal licence FC 0717 in respect of Melanie Crawford, details of which were circulated as an Appendix to the Report, and (b) summarising the review process in terms of section 84A(2) of the Licensing (Scotland) Act 2005.

Melanie Crawford, personal licence holder, was in attendance and accompanied by her agent, Andrew Thomson.

Inspector Gibson was heard in amplification of the matters set out in the Chief Constable's personal licence review request which focused on an incident whereby a number of persons within the premise were consuming alcohol after the terminal hour.

Questions were then asked by Members of the Board.

There being no further questions to Inspector Gibson, the Board invited Mr Thomson to make his submission.

Questions were asked of Mr Thomson and Ms Crawford by Members of the Board.

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

Both parties summed up.

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 objective of preventing crime and disorder to make an Order in terms of section 84(7) **ENDORISING** Melanie Crawford's personal licence FC0717.

LB104. PREMISES LICENCE REVIEW APPLICATION – BARRIE FOOD STORE, 40C HAWTHORN STREET, GRANGEMOUTH

There was submitted Report (circulated) dated 3 December 2013 from the Clerk to the Licensing Board (a) advising that an application had been received from the Chief Constable, Police Scotland to review the premises licence in respect of Barrie Food Store, 40c Hawthorn Street, Grangemouth, details of which were circulated as an Appendix to the Report; (b) summarising the review process in terms of section 36 of the Licensing (Scotland) Act 2005, and (c) attaching as an Appendix to the Report, the Licensing Standards Officer's report in terms of section 38(4) of the 2005 Act.

The Board **NOTED** that two personal licence holders connected with the premises were not in attendance.

The Consumer Protection Manager advised that both appellants had been cited to attend by way of recorded delivery citation letter.

After discussion, the Board **AGREED** to **CONTINUE** the review application to a future meeting of the Board to allow the appellants to be in attendance.

LB105. PREMISES LICENCE REVIEW APPLICATION – NEWTOWN BAR, LINLITHGOW ROAD, BO'NESS

There was submitted Report (circulated) dated 26 November 2013 from the Clerk to the Licensing Board (a) advising that an application had been received from the Chief Constable, Police Scotland to review the premises licence in respect of the Newtown Bar, Linlithgow Road, Bo'ness, details of which were circulated as an Appendix to the Report; (b) summarising the review process in terms of section 36 of the Licensing (Scotland) Act 2005, and (c) attaching as an Appendix to the Report, the Licensing Standards Officer's report in terms of section 38(4) of the 2005 Act.

Janet Hood, agent for L T Management Services Ltd who is the holder of the premises licence was in attendance, accompanied by Donna Squires, current designated premises manager and David McDougall, Area Manager, L T Management Services Ltd.

Martha Graham, personal licence holder and previous designated premises manager was in attendance.

Inspector Gibson was heard in amplification of the matters set out in the Chief Constable's premises licence review request which focused on an incident taking place whereby a flare was let off inside the premises.

Questions were then asked by Members of the Board.

There being no further questions to Inspector Gibson, the Board invited Ms Hood to make her submission on behalf of the premises licence holder.

Questions were then asked of Ms Hood by Members of the Board.

Reference was made to information contained in the Licensing Standards Officers' report.

The Board were advised by Ms Hood that she was not in receipt of this document.

After discussion, the Board **AGREED** to **CONTINUE** the review application to a future meeting of the Board to (i) allow an inspection of the premises to be carried out by members of the Board, and (ii) to make available to the appellants and Ms Hood, a copy of the Licensing Standards Officer's report.

In accordance with his declaration of interest, Baillie Buchanan left the meeting after consideration of the foregoing item of business.

LB106. PREMISES LICENCE REVIEW APPLICATION – GATESIDE MINI MARKET, 3 GATESIDE AVENUE, BONNYBRIDGE

There was submitted Report (circulated) dated 3 December 2013 from the Clerk to the Licensing Board (a) advising that an application had been received from the Chief Constable, Police Scotland to review the premises licence in respect of Gateside Mini Market, 3 Gateside Avenue, Bonnybridge, details of which were circulated as an Appendix to the Report; (b) summarising the review process in terms of section 36 of the Licensing (Scotland) Act 2005, and (c) attaching as an Appendix to the Report, the Licensing Standards Officer's report in terms of section 38(4) of the 2005 Act.

The Board **NOTED** the designated premises manager was present but the personal licence holder was not in attendance.

The Consumer Protection Manager advised that both appellants had been cited to attend by way of recorded delivery citation letter.

After discussion, the Board **AGREED** to **CONTINUE** the review application to a future meeting of the Board to allow an inspection of the premises to be carried out by members of the Board.

Premises	Event	Date Event Starts	Hours Granted on 10 December 2014	Current Hours Granted
Falkirk Golf Club	Hogmanay Party	Tuesday 31 December 2013	2300 to 0100 hours	0900 to 2300 hours
New Ship Inn	New Year's Eve Party with live music and a buffet	Tuesday 31 December 2013	2300 to 0130 hours	1100 to 2300 hours
New Ship Inn	Christmas Eve Party with live music and rock n' roll bingo	Tuesday 24 December 2013	2300 to 0100 hours	1100 to 2300 hours
Tolbooth Tavern	Tolbooth Hogmanay Hoolie with Falkirk Folk Club	Tuesday 31 December 2013	2400 to 0130 hours	1100 to 2400 hours
The Songbird Bar & Function Suite	Christmas Eve Party with live music.	Tuesday 24 December 2013	2400 to 0200 hours	1100 to 2400 hours
The Songbird Bar & Function Suite	Christmas Day Party with live entertainment	Wednesday 25 December 2013	2400 to 0200 hours	1100 to 2400 hours
The Songbird Bar & Function Suite	Darts Team Boxing Day Bash and a live singer	Thursday 26 December 2013	2400 to 0130 hours	1100 to 2400 hours
The Songbird Bar & Function Suite	New Year's Eve Party with live traditional Scottish music	Tuesday 31 December 2013	2400 to 0200 hours	1100 to 2400 hours
The Songbird Bar & Function Suite	Private New Year Party with live Scottish entertainment.	Wednesday 1 January 2014	2400 to 0130 hours	1100 to 2400 hours
Redding & Westquarter Unity Club	Hogmanay Party	Tuesday 31 December 2013	2400 to 0130 hours	1000 to 2400 hours

Premises	Event	Date Event Starts	Hours Granted on 10 December 2014	Current Hours Granted
North Broomage Social Club	New Year's Eve Dance for members and guests. Live band (60's and 70's music) and buffet	Tuesday 31 December 2013	2400 to 0130 hours	1800 to 2400 hours
Martell	Christmas Eve Party	Tuesday 24 December 2013	0100 to 0300 hours	1100 to 0100 hours
Martell	New Year's Eve Party	Tuesday 31 December 2013	0100 to 0300 hours	1100 to 0100 hours
Oxgang House Hotel	Hogmanay Party with disco, singer and buffet.	Tuesday 31 December 2013	2400 to 0130 hours	1100 to 2400 hours
Oxgang House Hotel	Christmas function with disco and buffet	Friday 20 December 2013	0100 to 0130 hours	1100 to 2400 hours
Oxgang House Hotel	Christmas Eve Party with disco and singer	Tuesday 24 December 2013	2400 to 0100 hours	1100 to 2400 hours
Oxgang House Hotel	End of Year Ball with a meal and a band	Saturday 28 December 2013	0100 to 0130 hours	1100 to 2400 hours
Behind The Wall	Christmas Eve Party with live band (Grand Central) and DJs.	Tuesday 24 December 2013	2400 to 0200 hours	0900 to 2400 hours
Behind The Wall	Hogmanay Party with live band (Lt Stardust) and DJs.	Tuesday 31 December 2013	2400 to 0200 hours	0900 to 2400 hours