

**FALKIRK COUNCIL**

**MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 5 FEBRUARY 2014 at 9.30 A.M.**

**PRESENT:** Councillors Black, Hughes, McLuckie, Nicol 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:** Inspector D Gibson and PC A Kane, Police Scotland; D Frood and T Ross, Licensing Standards Officers.

**LB107. APOLOGIES**

Apologies for absence were intimated on behalf of Baillie Buchanan; Councillors McNally, Nimmo and Ritchie.

**LB108. DECLARATIONS OF INTEREST**

No declarations were made.

**LB109. MINUTE**

The minute of the meeting of the Licensing Board held on 10 December 2013 was approved.

**LB110. PENNIES (DOWNSTAIRS) AND PENNIES (UPSTAIRS), FORTH CENTRE, GRANGEMOUTH ROAD, FALKIRK**

There was submitted Report (circulated) dated 16 January 2014 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 licences which included a proposal to combine the two current independent premises licences into one single premise licence.

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 **AGREED** to **CONTINUE** the application to a future meeting of the Licensing Board to allow an inspection of the premises to be carried out by Licensing Board Members.

## **LB111. POLMONT GOLF CLUB, SIMPSON DRIVE, MADDISTON**

There was submitted report (circulated) dated 16 January 2014 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) vary access times to which children and young persons will be allowed entry, as follows:-

- children aged 5 years and under require to be accompanied by an adult at all times
- children aged 6-15 years and young persons aged 16 & 17 years will be allowed on the premises until 2200 hrs if they are playing golf
- children and young persons must be accompanied by an adult when attending a bona fide function
- children and young persons must be accompanied by or supervised by an adult when attending for other activities such as playgroup, children's parties, dance or exercise classes
- children and young persons aged 0-17 years will be allowed entry
- children aged 0-5 years will be allowed on the premises until 2100 hrs
- children aged 6-15 years and young persons aged 16 & 17 years must vacate the premises by 2200 if they are playing golf
- children and young persons aged 0-17 years will be allowed entry until the terminal hour when attending a function
- children and young persons aged 0-17 years will be permitted access to the main hall, the lounge area and the games room
- children and young persons aged 0-17 years will not be permitted access to the bar area

(2) amend the on sales trading hours as follows:-

Monday to Thursday	1000 hrs to 2400 hrs
Friday and Saturday	1000 hrs to 0100 hrs
Sunday	1200 hrs to 2400 hrs

(3) the addition of films to the list of activities within and outwith core operating hours;

(4) the addition of the following activities already permitted during core operating hours to be allowed outwith core operating hours, namely:-

- conference facilities
- bar meals
- recorded music
- live performances
- dance facilities
- gaming
- indoor/outdoor sports
- televised sport

(5) the addition of the following to the list of any other activities:-

- pub games, i.e. darts, dominoes, quiz nights.

**LB112. PREMISES LICENCE REVIEW APPLICATION – BARRIE FOOD STORE, 40C HAWTHORN STREET, GRANGEMOUTH**

There was submitted Report (circulated) dated 15 January 2014 from the Clerk to the Licensing Board (a) advising that the Premises Licence Review had called before the Licensing Board on 10 December 2013 but had been continued as neither the premises licence holder nor the personal licence holder were in attendance; (b) summarising the review process in terms of Section 36 of the Licensing (Scotland) Act 2005; (c) referring to an application which 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, and (d) attaching as an Appendix to the Report, the Licensing Standards Officer's report in terms of section 38(4) of the 2005 Act.

Shagufta Bano, the premises licence holder and Shaa'ista Bano, personal licence holder were in attendance and accompanied by their agent, Mr Sandeman.

Inspector Gibson, Police Scotland was heard in amplification of the matters set out in the Chief Constable's premises licence review request which highlighted that a specific condition to which the premises licence is subject, had been breached.

There being no questions to Inspector Gibson, the Board invited Mr Sandeman to make his submission on behalf of his clients.

The Board noted the intention by Mrs Bano and Ms Bano to surrender their personal licences.

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

Discussion took place in relation to the specific condition which related to the CCTV system and to whether or not the system met the required specification determined by the Chief Constable.

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

After further discussion, the Board **AGREED** to **CONTINUE** the review application to a future meeting to allow further information to be submitted to the Board and to (i) ascertain if the issue relating to the CCTV system had been resolved, and (ii) establish whether Mrs Bano and Ms Bano had surrendered their personal licences.

**LB113. PREMISES LICENCE REVIEW APPLICATION – GATESIDE MINI MARKET, 3 GATESIDE AVENUE, BONNYBRIDGE**

There was submitted Report (circulated) dated 15 January 2014 from the Clerk to the Licensing Board (a) advising that the Premises Licence Review had called before the Licensing Board on 10 December 2013 but had been continued to allow an inspection of the premises to be carried out by Members of the Board; (b) confirming that Members had inspected the premises on 20 January 2014; (c) summarising the review process in terms of section 36 of the Licensing (Scotland) Act 2005; (d) referring to an application which 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, and (e) attaching as an Appendix to the Report, the Licensing Standards Officer's report in terms of section 38(4) of the 2005 Act.

Syed Ali Abbas Shah, designated premises manager was in attendance.

The Board **NOTED** that Syed Abbas, premises licence holder was not in attendance but had been cited to attend.

After discussion, the Board **AGREED** to **CONTINUE** the review application to a future meeting of the Board to give the premises licence holder an opportunity to submit appropriate authorisation consenting to his son, Syed Ali Abbas Shah to act on his behalf.

**LB114. PREMISES LICENCE REVIEW APPLICATION – NEWTOWN BAR, LINLITHGOW ROAD, BO'NESS**

There was submitted Report (circulated) dated 15 January 2014 from the Clerk to the Licensing Board (a) advising that the Premises Licence Review had called before the Licensing Board on 10 December 2013 but had been continued to allow (i) an inspection of the premises to be carried out by Members of the Licensing Board, and (ii) to make available to the appellants and their agent, a copy of the Licensing Standards Officer's report dated 27 November 2013; (b) confirming that Members had inspected the premises on 20 January 2014; (c) summarising the review process in terms of section 36 of the Licensing (Scotland) Act 2005; (d) referring to an application which 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, and (e) 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.

The Board **NOTED** that Martha Graham, personal licence holder and previous designated premises manager was not in attendance.

Ms Hood and Inspector Gibson both agreed to the application being heard as new, due to the difference in member composition of the Licensing Board to that of the meeting on 10 December 2013.

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 her clients.

Questions were then asked of Ms Hood 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.

The Board agreed to a short adjournment. The Board adjourned at 11.25 a.m. and reconvened at 11.40 a.m. with all Members present as per the sederunt.

After due consideration of the matter before it, and having benefited from having a site visit to the premises which highlighted the improvements undertaken, the Board **AGREED** that (i) no further action be taken in relation to the premises licence, and (ii) that no section 84 finding had been made in respect of Martha Graham's personal licence.

#### **LB115. PREMISES LICENCE REVIEW APPLICATION – THE GREAT WALL RESTAURANT, 220-226 GRAHAMS ROAD, FALKIRK**

There was submitted Report (circulated) dated 16 January 2014 from the Clerk to the Licensing Board (a) advising that an application had been received from the Licensing Standards Officer, Falkirk Council to review the premises licence in respect of the Great Wall Restaurant, 220-226 Grahams Road, Falkirk, details of which were circulated as an Appendix to the Report, and (b) summarising the review process in terms of section 36 of the Licensing (Scotland) Act 2005.

The Consumer Protection Manager advised that this application was deemed **WITHDRAWN** as the premises licence holder had **SURRENDERED** the premises licence with immediate effect.