

FALKIRK COUNCIL

MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 4 MARCH 2014 at 9.30 A.M.

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

CONVENER: Councillor Nicol.

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

ALSO

ATTENDING: Douglas Frood and Thomas Ross, Licensing Standards Officers.

LB116. 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.

LB117. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Ritchie and Turner.

LB118. DECLARATIONS OF INTEREST

Baillie Buchanan declared a non-financial interest in item LB128 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 item, having had regard to the objective test in the Code of Conduct.

LB119. MINUTE

The minute of the meeting of the Licensing Board held on 5 February 2014 was approved.

LB120. GAMBLING ACT 2005 – EARL OF ZETLAND, BO'NESS ROAD, GRANGEMOUTH

There was submitted Report (circulated) dated 19 February 2014 from the Clerk to the Licensing Board providing details of an application made in terms of the Gambling Act 2005 for the variation of a Premises Licence – Betting (Other).

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 allow further information to be presented to a future meeting of the Licensing Board.

LB121. GAMBLING ACT 2005 – BO'NESS CHEMICAL WORKERS SOCIAL CLUB, 69 LINLITHGOW ROAD, BO'NESS

There was submitted Report (circulated) dated 19 February 2014 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).

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 club machine permit in terms of section 273 of the Gambling Act 2005.

LB122. MIDDLEFIELD STORES, 38 YORK STREET, FALKIRK

There was submitted Report (circulated) dated 20 February 2014 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 new premises licence.

The Board **NOTED** that a representation had been received in respect of the application and, there being no preliminary matters, a copy was circulated to Members.

The representation referred to a public meeting which was held at the request of the applicant and attended by local residents. At the meeting, various commitments had been given by the applicant and the representation requested that if the Board were minded to grant the application, that these be included as licence conditions in order to ease residents' concerns.

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 conditions being applied, namely:-

- (1) a CCTV system to a specification approved by the Chief Constable must be fitted and maintained in full working order at all times in accordance with guidance provided by the Information Commissioner. Any system fitted must be operational at all times the premises are open for business and images must be made available to any Licensing Standards Officer or Police Officer on request for the purposes of the investigation and detection of crime. To ensure that no loitering takes place in the former garage site at the footpath area, a CCTV camera be appropriately positioned at the rear of the premises;
- (2) all sales of alcohol must be entered through an EPOS till with a facility to print alcohol itemised sales. Any such till must have a date and time facility and must be maintained in proper working order at all times. A print-out of relevant sales must be provided to a Police Officer or a Licensing Standards Officer on request at any reasonable time, and

- (3) a refusal book should be kept in a convenient location and be used by all staff, with entries accurately recorded and checked and signed by the licensee/ manager at regular intervals. This refusal register should be made available to the Police or a Licensing Standards Officer for inspection at any reasonable time.

The applicant also advised of his intentions, namely:-

- to mark bottles, with the guidance of appropriate police officers as per the terms of the recent initiatives implemented by Police Scotland in order to address underage drinking;
- to follow any advice offered by the Community Police to minimise potential problems and deal with any that arise from the sale of alcohol at the premises, and
- to limit the sale of fortified wine and certain alcopops.

The applicant undertook to submit a modified layout plan clearly identifying the delineation and capacity of the alcohol display area(s).

LB123. PENNIES (DOWNSTAIRS) AND PENNIES (UPSTAIRS), FORTH CENTRE, GRANGEMOUTH ROAD, FALKIRK

With reference to Minute of Meeting of the Licensing Board held on 5 February 2014 (Paragraph LB110 refers), there was submitted report (circulated) dated 19 February 2014 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 5 February 2014 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 18 February 2014.

The applicant's agent was heard in support of his client's application.

Members sought clarification in relation to the times during which children and young persons would be allowed access and specifically, requested an explanation of the term "to enjoy the facilities on offer".

The Board agreed to a short adjournment. The Board adjourned at 10.35 a.m. and reconvened at 10.45 a.m. with all Members present as per the sederunt.

Having heard further from the applicant's agent in explanation of the term and in clarification of questions raised by Members, the Board:-

- (a) **AGREED** to the combining of the 2 current licences to become one licence covering the downstairs and upstairs of the premises;
- (b) **NOTED** the applicant's intention to surrender the premises licence for Pennies (Upstairs), and
- (c) **GRANTED** the following variations to the premises licence, namely:-

(1) to vary the access times and arrangements for children and young persons as follows:

- children will be allowed entry whilst accompanied and supervised by a responsible adult
- children and young persons aged 0-17 years will be allowed entry
- children 0-15 years will be allowed entry to the ground floor for the purpose of:
 - taking a meal or attending a bona fide pool training session or tournament until 2200 hrs
 - attending a bona fide private function until the terminal hour
- children 0-10 years will be allowed entry to the ground floor to enjoy the facilities on offer but only whilst under the control of a responsible adult, and when another child accompanying the same adult is attending an event in the premise or the adjoining premise (Forth Centre) until 2000 hrs
- children 11-15 years will be allowed entry to the ground floor to enjoy the facilities on offer until 2000 hrs
- young persons will be allowed entry to the ground floor to enjoy the facilities on offer until 2200 hrs
- young persons will be allowed entry to the ground floor for the purpose of attending a bona fide private function until the terminal hour
- children 0-15 years will be allowed entry to the first floor for the purpose of:
 - taking a meal or attending a bona fide darts training session or tournament or attending an organised fitness or leisure class until 2200 hrs
 - attending a bona fide private function until the terminal hour
- children 0-10 years will be allowed entry to the first floor to enjoy the facilities on offer but only whilst under the control of a responsible adult, and when another child accompanying the same adult is attending an event in the premise or the adjoining premise (Forth Centre) until 2000 hrs
- children 11-15 years will be allowed entry to the first floor to enjoy the facilities on offer until 2000 hrs
- young persons will be allowed entry to the first floor to enjoy the facilities on offer until 2200 hrs
- young persons will be allowed entry to the first floor for the purposes of attending a bona fide private function until the terminal hour

(2) children and young persons will be allowed entry to the whole premises, however:

- children will only be permitted access to the pool area for the purposes of attending a bona fide pool tournament or a bona fide pool training session organised and supervised by a bona fide trainer,
- when children are permitted access to the first floor, the dart boards will be fully covered and secured, unless children have access for the purpose of attending a bona fide darts tournament or a bona fide darts training session organised and supervised by a bona fide trainer

(3) to the addition of restaurant facilities and bar meals outwith core hours to the list of activities

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

- bona fide pool training sessions
- bona fide pool tournaments
- bona fide darts training sessions
- bona fide darts tournaments
- organised leisure and fitness classes

In agreement with the applicant, the Licensing Board **AGREED** to apply the following conditions to the current licence:

- until such time as the premises has additional kitchen facilities and a full extended menu available, access for children until 2200 hrs will only be permitted for the purpose of attending a bona fide pool or darts training session or tournament, fitness or leisure class
- that televised sport will not be permitted in the family area

LB124. BEHIND THE WALL, 14 MELVILLE STREET, FALKIRK

There was submitted report (circulated) dated 20 February 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.

The Board **NOTED** that one objection had been received in respect of the variation application. The objector had been invited to attend but was not in attendance.

The applicant's agent, Ms Hood, advised that she had no preliminary matters to raise concerning the validity of the objection. Accordingly, a copy of the objection was circulated to Members.

Councillor Black joined the meeting at this point.

The applicant's agent confirmed that she had no objection to Councillor Black participating in the determination of the application.

The applicant and his agent were heard in relation to the objection and made reference to the seasonal variation which had been in place since 15 May 2013, during which time, no issues or concerns had been raised.

After discussion, the Board **GRANTED** the following variation to the premises licence, namely: -

- (1) that the on sales trading hours on Thursdays would be from 0900 hrs to 0100 hrs, but that the additional hour between 12 midnight and 0100 hrs would only be enjoyed when entertainment is being provided.

LB125. PREMISES LICENCE REVIEW APPLICATION – BARRIE FOOD STORE, 40C HAWTHORN STREET, GRANGEMOUTH

With reference to Minute of Meetings of the Licensing Board held on 10 December 2013 and 5 February 2014 (Paragraphs LB104 and LB112 refers), 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.

The Consumer Protection Manager confirmed that both Mrs Bano and Ms Bano had surrendered their personal licences with immediate effect, and that a transfer application had been lodged with the Licensing Section in relation to the premises licence.

The Board **NOTED** that in light of the information presented, Police Scotland had **WITHDRAWN** their premises licence review application.

LB126. PERSONAL LICENCES – REFRESHER TRAINING

There was submitted report (circulated) dated 21 February 2014 by the Consumer Protection Manager advising of the process currently being undertaken by the Licensing Section resulting from the requirement for personal licence holders to undertake refresher training in accordance with section 87 of the Licensing (Scotland) Act 2005.

The Board **NOTED** the work currently being undertaken by the Licensing Section.

LB127. MEETING OF THE LICENSING BOARD – 7 MAY 2014

The Board discussed the date of the May meeting of the Licensing Board and **AGREED** that this meeting be cancelled.

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

LB128. PREMISES LICENCE REVIEW APPLICATION – GATESIDE MINI MARKET, 3 GATESIDE AVENUE, BONNYBRIDGE

With reference to Minutes of Meetings of the Licensing Board held on 10 December 2013 and 5 February 2014 (Paragraphs LB106 and LB113 refers), there was submitted Report (circulated) dated 9 February 2014 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 Consumer Protection Manager advised that the premises licence holder, Syed Abbass had intimated that he wished to be in attendance, but due to problems with inmate transport, was unable to attend today's meeting.

After discussion, the Board **AGREED** to **CONTINUE** the review application to a future meeting of the Board to allow the premises licence holder an opportunity to attend.