

FALKIRK COUNCIL

MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 16 APRIL 2014 at 9.30 A.M.

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

CONVENER: Councillor Nicol.

ATTENDING: Clerk; Consumer Protection Manager; Solicitor (P Gilmour); Licensing Officer (L McGarva), and Committee Services Officer (A Fraser).

ALSO

ATTENDING: Licensing Standards Officers (D Frood and T Ross); Inspector P Rollo, and PC A Kane, Central Scotland Police.

LB1. 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.

LB2. APOLOGIES

An apology for absence was intimated on behalf of Councillor McNally.

LB3. DECLARATIONS OF INTEREST

Baillie Buchanan declared a non-financial interest in item LB5 as a family member of the appellant had approached him for a reference and he 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.

LB4. MINUTE

The minute of the meeting of the Licensing Board held on 4 March 2014 was approved.

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

LB5. 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, 5 February and 4 March 2014 (Paragraphs LB106, LB113 and LB128 refers), there was submitted Report (circulated) dated 31 March 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.

Mr Sandeman, agent for Syed Abbas, who is the premises licence holder and also the holder of a personal licence was in attendance together with his client. Syed Shah, designated premises manager and personal licence holder was also in attendance.

Inspector Rollo was heard in amplification of the matters set out in the Chief Constable's premises licence review request which focused on part of the premises being used to cultivate illegal drugs.

A question was then asked by a Member of the Board.

There being no further questions to Inspector Rollo, the Board invited Mr Sandeman to make his submission on behalf of his client, Mr Abbas.

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

Both parties summed up.

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 with the exception of Baillie Buchanan.

After due consideration of the matter before it, and in accordance with section 39 of the Act, the Board **AGREED** that a ground for review in terms of section 36(3)(b) of the Act was established relevant to the licensing objective of preventing crime and disorder.

The Board in terms of section 39(2) accordingly took the following step which it considered necessary or appropriate for the purposes of the foregoing licensing objective, namely:-

(a) to revoke the licence.

Mr Sandeman advised that his client would surrender his personal licence, FC0644 with immediate effect.

Councillor McLuckie joined the meeting during consideration of the foregoing item of business but took no part in the Board's deliberations and decision.

LB6. CITY, 8-12 PRINCES STREET, FALKIRK

There was submitted Report (circulated) dated 7 April 2014 from the Clerk to the Licensing Board providing details of an application made in terms of section 68 of the Licensing (Scotland) Act 2005 for the grant of extended hours authorisation.

The Board heard from the applicant's representative in support of the extended hours application and in clarification of questions raised by Members of the Board.

After discussion, the Board **GRANTED** the extended hours application for an additional one hour from 0200 to 0300 hours on Monday 26 May 2014.

Baillie Buchanan rejoined the meeting after consideration of the foregoing item of business.

LB7. DAY TO DAY, 2 BRAEVIEW, STENHOUSEMUIR

There was submitted Report (circulated) dated 8 April 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 provisional premises licence.

Having heard from the applicant's agent in support of the application and in clarification of questions raised by Members, the Board **GRANTED** the provisional 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, and
- (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 times.

LB8. KO-OP, 6 MAIN STREET, SLAMANNAN, FALKIRK

There was submitted report (circulated) dated 8 April 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 in support of the application and in clarification of questions raised by Members, the Board **GRANTED** the following variations to the current licence, namely:-

- (1) that the trading hours be varied as follows:-

Monday to Sunday 1000 hrs to 2200 hrs

- (2) a variation to the layout plan showing a decrease in the existing alcohol display area, and
- (3) a variation to the operating plan to reflect a decrease in capacity from 8.58m³ to 7.83m³.

LBB9. LONDIS, 18 WOODBURN STREET, FALKIRK

There was submitted report (circulated) dated 9 April 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 in support of the application and in clarification of questions raised by Members, the Board **GRANTED** the following variations to the current licence, namely:-

- (1) a variation to the layout plan showing an increase in the existing alcohol display area;
- (2) a variation to the operating plan to reflect an increase in capacity from 9.17m³ to 9.86m³;
- (3) the addition of recorded music to the list of approved activities within and outwith core operating hours, and
- (4) to change the name of the premises from Londis to Lalli's.

LB10. PLOUGH HOTEL, 507 MAIN STREET, STENHOUSEMUIR

There was submitted report (circulated) dated 9 April 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 **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.

LB11. OUTSIDE INN, GLENBERVIE BUSINESS PARK, BELLSDYKE ROAD, LARBERT

There was submitted report (circulated) dated 9 April 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.

A copy of the proposed layout plan was circulated to Members.

Having heard from the applicant's agent in support of the application, the Board **GRANTED** the following variations to the current licence, namely:-

- (1) to allow children and young persons access to the outdoor drinking area which is included on the proposed layout plan delineated in green. This is the outdoor drinking area shown on the existing approved layout plan, but was not included within the areas of the premises to which children and young persons have access in terms of the approved operating plan;

- (2) the repositioning of gaming machines. The gaming machines are currently sited in the bar area and the relocation will be within this same area. Children currently have access to the bar area until 2130 hrs for the purpose of taking a meal, and
- (3) internal reconfiguration of the premises, including:-
 - refurbishment of ladies and gents toilets
 - new double doors into the bar area
 - new fixed seating
 - replacement of gym equipment
 - replacement of server counter in Fuzzy Ed's
 - new party area
 - new baby changing facilities, and
 - general internal refurbishment

LB12. EDGE, 18 GRAHAMS ROAD, FALKIRK

There was submitted report (circulated) dated 9 April 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 **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.

LB13. BLACK BULL INN, MAIN STREET, POLMONT

There was submitted report (circulated) dated 9 April 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 agent in support of the application and in clarification of questions raised by Members, the Board **GRANTED** the following variations to the current licence, namely:-

- (1) a variation to the layout plan showing the addition of an outdoor drinking area on the pavement to the front of the premises, and
- (2) a variation to the operating plan to reflect the addition of outdoor drinking facilities within and outwith approved operating hours.

The Board **NOTED** the applicant's undertaking to install CCTV facilities to cover the outdoor drinking area.

LB14. ELLWYN BAR & RESTAURANT, 95B NEWLANDS ROAD, GRANGEMOUTH

There was submitted report (circulated) dated 9 April 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 **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.

LB15. OCHILVIEW BAR, TRYST ROAD, STENHOUSEMUIR

There was submitted report (circulated) dated 8 April 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 **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.

LB16. BEHIND THE WALL, 14 MELVILLE STREET, FALKIRK

There was submitted report (circulated) dated 9 April 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 agent in support of the application and in clarification of questions raised by Members, and subject to there being no objections received before conclusion of the formal consultation period, the Board **GRANTED** the following variations to the current licence, namely:-

- (1) to vary the access areas and times for children and young persons as follows:
 - children will be allowed on the premises provided they are accompanied by an adult
 - toddlers allowed to access the soft play area only provided they are accompanied by an adult who remains on the premises and one appropriately trained supervisory staff member with full disclosure to be on duty at the soft play area – minimum one such staff to be on duty at all times the soft play area is being utilised and one appropriately trained supervisory staff member with full disclosure to be on call
 - young persons will be allowed on the premises when accompanied by an adult
 - children and young persons can access all parts of the premises with the exception of the main bar and the ale house bar
 - between 2000 hrs and 2200 hrs children under 14 years of age will be limited to a designated area for families and restricted to the restaurant and conservatory areas including during televised sporting events
 - no children or young persons will be allowed entry to the area where any of the activities detailed in section 5(f) are taking place
 - toddlers will be permitted in the soft play area.
- (2) to vary the description of the premises to include the soft play area, and
- (3) to amend the layout plan to include the addition of the soft play area.

The applicant **agreed** to submit an amended layout plan to reflect the specifications contained within the building warrant granted for the soft play area.

LB17. CAMELON LABOUR PUB, NAILER ROAD, CAMELON, FALKIRK

There was submitted Report (circulated) dated 9 April 2014 from the Clerk to the Licensing Board providing details of an application made in terms of section 68 of the Licensing (Scotland) Act 2005 for the grant of extended hours authorisation.

After discussion, the Board **GRANTED** the extended hours application for an additional 90 mins from 1000 to 1130 hours on Saturday 26 April 2014.