

FALKIRK COUNCIL

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

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

CONVENER: Councillor Nicol.

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

ALSO

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

LB11. 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.

LB12. APOLOGIES

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

LB13. DECLARATIONS OF INTEREST

No declarations were made.

LB14. MINUTE

The minute of the meeting of the Licensing Board held on 16 April 2014 was approved.

LB15. COFFEE ON WOOER STREET, 2-4 WOOER STREET, FALKIRK

There was submitted report (circulated) dated 7 May 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 provisional premises licence.

Mr Thomson, agent for the applicant, was in attendance with his client, Mr Morris.

The Board **NOTED** that one objection had been received in respect of the application.

Ms Flynn, agent for the objector, was in attendance with her client's representative, Mr Reilly.

Having heard from the Convener on the merits of the Board undertaking a site visit and with the agreement of both agents, 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.

The Board also **NOTED** that Mr Thomson had given his consent to Members having sight of the objection, prior to the site visit taking place.

LB16. PLOUGH HOTEL, 507 MAIN STREET, STENHOUSEMUIR

With reference to Minute of Meeting of the Licensing Board held on 16 April 2014 (Paragraph LB10 refers), there was submitted report (circulated) dated 30 April 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 16 April 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 19 May 2014.

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) to vary the access areas and times for children and young persons, as follows:
 - children 0-15 years of age will be allowed entry for the purpose of taking a meal and provided they are accompanied by an adult;
 - young persons aged 16 & 17 years of age will be allowed entry unaccompanied for the purpose of taking meal and/or a soft drink;
 - children and young persons will be allowed entry for the purpose of attending a bona fide private function when accompanied by an adult;
 - children and young persons will be allowed entry until 2200 hours or until the terminal hour whilst attending a bona fide private function;
 - children and young persons will not be permitted to sit at bar counters nor stand in the bar areas of the premises;
 - children and young persons who are resident in the hotel will be allowed access to the premises at all times
- (2) the on-sales trading hours on a Sunday be varied to 1100 hours until 2400 hours;
- (3) to the approved following activities being provided outwith core operating hours:
 - conference facilities
 - bar meals
 - receptions including weddings, funerals, birthdays, etc
 - club or other group meetings etc
 - recorded music
- (4) the proposed changes to the premises layout as shown in the layout plan submitted with the application.

The Board **noted** the agent's request that any reference to televised sporting events within the operating plan and application form be removed as there were no televisions on the premises.

The Board agreed to a short adjournment. The Board adjourned at 10.00 a.m. and reconvened at 10.20 a.m. with all Members present as per the sederunt.

LB17. ELLWYN BAR & RESTAURANT, 95B NEWLANDS ROAD, GRANGEMOUTH

With reference to Minute of Meeting of the Licensing Board held on 16 April 2014 (Paragraph LB14 refers), there was submitted report (circulated) dated 30 April 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 16 April 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 19 May 2014.

Mr Thomson, agent for the applicant outlined the background to the current variation application which related to the upper floor of the premises, and to the subsequent issues which had arisen since the application had been lodged. He also referred to a previous variation application which had been granted by the Licensing Board on 14 August 2013 and, in particular, to a condition relating to the ground floor bar area, which he now wished the Board to consider removing.

After discussion, and having heard further from the applicant's agent in clarification of questions raised, the Board **AGREED** to the request by the applicant's agent to (1) withdraw the current variation application relating to the upper floor, and (2) to remove the condition which had been applied to the variation application granted by the Licensing Board on 14 August 2013.

LB18. THE OCHILVIEW BAR, TRYST ROAD, STENHOUSEMUIR

With reference to Minute of Meeting of the Licensing Board held on 16 April 2014 (Paragraph LB15 refers), there was submitted report (circulated) dated 30 April 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 16 April 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 19 May 2014.

The Board **noted** that an email had been received in respect of the variation application arising from the neighbourhood notification procedures. Clarification had been sought from the sender as to whether this was a representation, as the content was not specific to the variation application but related to more general matters. No clarification had been forthcoming and the originator, having been cited to attend, was not in attendance at the meeting.

Copies of the email were circulated to Members.

The applicant's agent was heard in relation to the matters raised in the email and in clarification of questions raised by Members.

The applicant's agent was then heard in support of the application.

After discussion, 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 and young persons will be allowed entry whilst accompanied by an adult for the purpose of attending a function; and for football supporters awaiting transport to away football matches;
- whilst attending a function, children 0-4 years of age will be allowed entry until 2100 hours; children and young persons 5-17 years of age will be allowed until the terminal hour provided they are accompanied by an adult;
- children and young persons awaiting transport to football matches will be allowed access up to one hour before the bus departs and up to one hour after the bus returns to the premises, and
- children and young persons will be allowed entry to the function suite, lounge bar, toilets and access thereto and egress therefrom.

(2) the on-sales trading hours be varied to:

Monday to Thursday
1100 hours to 2400 hours

Friday and Saturday
1100 hours to 0030 hours

Sunday
1200 hours to 2300 hours

LB19. NEW SHIP INN, 102, NEWHOUSE ROAD, GRANGEMOUTH

There was submitted report (circulated) dated 8 May 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.

LB20. RAILWAY TAVERN, 7-9 GRAHAMS ROAD, FALKIRK

There was submitted report (circulated) dated 8 May 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) the Sunday trading hours be varied to:

On-Sales – 1000 hrs to 2400 hrs

Off-Sales – 1000 hrs to 2200 hrs

- (2) to the addition of bar meals to the list of activities within approved operating hours.

LB22. CORNHILL INN, 32-34 HIGH STREET, BONNYBRIDGE

There was submitted report (circulated) dated 8 May 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) to vary the access areas and times for children and young persons, as follows:
- children aged 0-15 years of age will be allowed entry when accompanied by an adult
 - young persons will be allowed entry to the restaurant/lounge unaccompanied for the purpose of consuming a meal, otherwise they must be accompanied by an adult
 - children and young persons will be permitted access prior to core hours when attending for the purpose of consuming breakfast
 - children and young persons will be allowed access until 2200 hrs when attending for the purposes of consuming a meal and, if attending a private family event, until the end of the function
 - children and young persons who are resident in the hotel will be permitted at all times
 - children and young persons will be allowed entry to all areas however, children and young persons who are not resident in the hotel, will not be permitted within the public bar area
- (2) the on-sales and off-sales trading hours be varied to:
- On-Sales**
Saturday 1000 hrs to 0100 hrs
Sunday 1000 hrs to 2400 hrs
- Off-Sales**
Saturday and Sunday
1000 hrs to 2200 hrs
- (3) the addition of accommodation to the list of approved activities;
- (4) the addition to the list of activities available outwith core operating hours to include restaurant facilities, bar meals and televised sport;
- (5) the addition to the list of any other activities to include quiz nights, networking, charity nights and take away food;
- (6) to increase the capacity from 265 to 279 to allow for 14 residents, and

- (7) to change the premises description as detailed on the application.

LB21. CHEERZ, 4 HIGH STREET, FALKIRK

There was submitted report (circulated) dated 7 May 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 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 outdoor drinking facilities, which facility will terminate at 2100 hours, and
- (2) the addition of gaming within core hours to the operating plan.

LB22. EDGE, 18 GRAHAMS ROAD, FALKIRK

With reference to Minute of Meeting of the Licensing Board held on 16 April 2014 (Paragraph LB12 refers), there was submitted report (circulated) dated 30 April 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 16 April 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 19 May 2014.

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 vary the access areas and times for children and young persons, as follows:
 - children 0-7 years of age will be allowed entry when accompanied by an adult;
 - children 8-15 years of age and young persons 16 & 17 years of age will be allowed entry unaccompanied by an adult;
 - children 0-15 years will be allowed entry until 2130 hrs
 - young persons will be allowed entry until the terminal hour
 - children and young persons will have access to all public areas
- (2) to remove the current off-sales trading hours;
- (3) the on-sales trading hours be varied to:

Monday to Saturday
1100 hrs to 2300 hrs

Sunday 1230 hrs to 2300 hrs
- (4) to remove the existing seasonal variation, namely:

“An application will be made for extension to licensing hours during any local, national and international festivals and/or holidays as and when applicable, in accordance with Falkirk Council Licensing Board’s policies/guidelines”

- (5) the addition of the following to the list of approved activities:
 - restaurant facilities within and outwith core operating hours
 - bar meals outwith core operating hours
 - live performances outwith core operating hours
- (6) the removal of the following from the list of approved activities:
 - dance facilities
 - gaming
 - indoor/outdoor sports
 - televised sport
- (7) the removal of any other activities from the operating plan;
- (8) a major refurbishment of the premises to change it from a public house to family friendly coffee shop including a small play area for younger children;
- (9) to reduce the capacity of the premises from 341 to 120, and
- (10) to change the name of the premises from Edge to Baristas Coffee House.

The Board **noted** the applicant’s request that televised sport be removed from the list of approved activities as there were no televisions in the premises.

LB23. PETROL STATION APPEAL – PACE BP STAR, KINCARDINE BRIDGE, HAUGHS OF AIRTH, FALKIRK

There was submitted Report (circulated) dated 7 May 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.

Having heard from the applicant’s agent and having had regard to the information submitted, the Board determined that the premises were not excluded premises standing the terms of Section 123(5) of the Act, particularly with regard to the sale of petrol or derv, and accordingly **GRANTED** the application for a new premises licence.

LB24. THE LICENSING (FEES) (SCOTLAND) REGULATIONS 2007 – ANNUAL FEES

There was submitted Report (tabled) dated 23 May 2014 from the Clerk to the Licensing Board on the requirement on the Board to set an annual fee for holders of premises licences in accordance with the Licensing (Fees) (Scotland) Regulations 2007.

After discussion, the Board **AGREED** to adopt the annual fee levels detailed in Appendix 1 to the Report for payment by 1 October 2014.

LB25. THE THREE KINGS, WESTER SHIELDHILL, SHIELDHILL, FALKIRK

There was submitted Report (tabled) dated 3 June 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 extended hours' authorisation.

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

After discussion, the Board **GRANTED** one additional hour from 2400 hrs to 0100 hrs on Monday 30 June 2014.

LB26. EDWARD TREARTY

There was submitted Report (circulated) dated 7 May 2014 from the Clerk to the Licensing Board providing details of an application for a Personal Licence submitted in terms of section 72 of the Licensing (Scotland) Act 2005 and the Personal Licence (Scotland) Regulations 2007.

Having heard from the applicant, the Board determined not to hold a hearing for the purpose of considering and determining the application.

Thereafter the application for a personal licence was **GRANTED** by operation of law.