

FALKIRK COUNCIL

MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 7 JANUARY 2015 at 9.30 A.M.

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

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).

LB59. APOLOGY

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

LB60. DECLARATIONS OF INTEREST

No declarations were made.

LB61. MINUTE

The minute of the meeting of the Licensing Board held on 10 December 2014 was approved.

LB62. APPLICATIONS FOR VARIATION TO PREMISES LICENCES

There was submitted report (circulated) dated 20 November 2014 from the Clerk to the Licensing Board providing details of applications made in terms of section 29 of the Licensing (Scotland) Act 2005 for the grant of a variation to the premises licence for (1) The Town Bistro, 17 South Street, Bo'ness; (2) Ochiltree Social Club, 52a Ochiltree Terrace, Camelon; (3) Godfrey Avenue Stores, 31 Godfrey Avenue, Denny, and (4) Skierscy – Polish Goods & Bakery Shop, 232 Grahams Road, Falkirk.

The Town Bistro, 17 South Street, Bo'ness

Having heard from the applicant in support of the application and in clarification of questions raised by Members, the Board **GRANTED** the following variation to the current licence, namely:-

- (1) to the addition of restaurant facilities, receptions and club meetings to the approved list of activities outwith core operating hours.

Ochiltree Social Club, 52a Ochiltree Terrace, Camelon

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:-

- (a) to amend the capacity from that stated in the Operating Plan from 135 persons to 335;
- (b) to vary the access areas for children and young persons, as follows:
 - children and young persons will be allowed entry to the function room (hall); small function room; lounge/bar/function room.

Godfrey Avenue Stores, 31 Godfrey Avenue, Denny

The Board were advised that 2 objections had been received in relation to the application. One of the objections had been submitted anonymously and outwith the statutory objection period. The question of competency therefore arose.

The Board then heard from the applicant's agent, Mr Mackie, who confirmed that he had had sight of both objections. He confirmed that he had no issue with the Board considering the objection lodged by Mr Noble, but was of the view that the anonymous objection should not be considered, due to it being both anonymous and outwith the objection period.

After discussion, the Board agreed to treat the anonymous objection as not made and to only consider the letter of objection lodged by Mr Noble, following which the letter was circulated. Mr Noble had been invited to attend, but had intimated that he would not be in attendance.

The Board then heard from Mr Mackie, in relation to the concerns raised in the objection, the action his client would take to address specific concerns, and in clarification of questions raised by members. Specifically, he confirmed that he would amend the application such that it sought a 6 month seasonal variation and that the terminal hour for Sunday to Thursday nights would be 2100 hrs with Friday and Saturday being 2200 hrs, if this would assist the Board in its deliberations.

Councillor Nicol, seconded by Baillie Buchanan moved that the application be granted by way of a seasonal variation for a period of six months, subject to the trading hours being varied to Sunday to Thursday 1000 hrs to 2100 hrs, and Friday and Saturday 1000 hrs to 2200 hrs.

By way of amendment, Councillor Nimmo, seconded by Councillor McLuckie moved that the application be granted.

On a division 6 Members voted for the Motion and 2 for the Amendment.

Accordingly, **GRANTED** the following variations to the current licence, namely:-

- (a) that the operating hours be varied as follows:-

Sunday to Thursday	1000 hrs to 2100 hrs
Friday and Saturday	1000 hrs to 2200 hrs

which hours will be granted as a seasonal variation to run for a period of six months

- (b) to the addition of an ATM and Paypoint terminal to the approved list of any other activities, and
- (c) to vary the layout of the alcohol display area resulting in an increase in capacity from 8.32m³ to 8.58m³.

Skierscy – Polish Goods and Bakery Shop, 232 Grahams Road, Falkirk

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:-

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

Monday to Sunday 1000 hrs to 2000 hrs

- (b) to change the premises name from “Skierscy – Polish Goods and Bakery Shop” to “Skierska” – Polish Goods and Bakery Shop.