

FALKIRK COUNCIL

MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 26 MAY 2015 at 9.30 a.m.

**PRESENT:** Councillors Black; Hughes; McLuckie; Nimmo and Turner.

**CONVENER:** Councillor Black.

**ATTENDING:** Clerk; Consumer Protection Manager; Solicitor (P Gilmour); Clerical Assistant (A Grainger), and Committee Services Officer (A Fraser).

**ALSO**

**ATTENDING:** Licensing Standards Officer (D Frood); Environmental Health Officers (S Henderson and D Wilcox).

**LB7. APOLOGIES**

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

**LB8. DECLARATIONS OF INTEREST**

No declarations were made.

**LB9. MINUTE**

The minute of the meeting of the Licensing Board held on 15 April 2015 was approved.

**LB10. ADRIAN BOWLING CLUB, PLEASANCE SQUARE, FALKIRK**

There was submitted report (circulated) dated 11 May 2015 from the Clerk to the Licensing Board providing details on an application made in terms of section 271 of the Gambling Act 2005 for the purpose of offering gaming machines and gaming within the Adrian Bowling Club, Pleasance Square, Falkirk.

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 s.271 of the Gambling Act 2005.

**LB11. APPLICATIONS FOR CLUB MACHINE PERMITS**

There was submitted report (circulated) dated 12 May 2015 from the Clerk to the Licensing Board providing details of applications made in terms of section 273 of the Gambling Act 2005 for the purpose of offering gaming machines within the premises as detailed in Appendices 1 to 3 to the report for (1) Falkirk Indoor Bowling Club, Glasgow Road, Camelon; (2) Polmont Bowling Club, Station Road, Polmont, and (3) Falkirk Tryst Golf Club, 86 Burnhead Road, Larbert.

**Falkirk Indoor Bowling Club, Glasgow Road, 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 application for a club machine permit in terms of s.273 of the Gambling Act 2005.

**Polmont Bowling Club, Station Road, Polmont**

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 s.273 of the Gambling Act 2005.

**Falkirk Tryst Golf Club, 86 Burnhead Road, Larbert**

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 s.273 of the Gambling Act 2005.

**LB12. BO'NESS CHEMICAL WORKERS SOCIAL CLUB, LINLITHGOW ROAD, BO'NESS**

There was submitted report (circulated) dated 6 May 2015 from the Clerk to the Licensing Board providing details of application made in terms of section 56 of the Licensing (Scotland) Act 2005 for the grant of an occasional 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 application for an occasional licence on Friday 27 June 2015 from 0800 hrs to 0100 hrs, and agreed that the following 2 conditions be attached, namely:

- (1) that children and young persons (5-17 years of age) be allowed access from 0900 hrs to 1700 hrs, and only permitted entry to the function hall, foyer and toilets, and
- (2) all children and young persons (5-17 years of age) must be accompanied by a responsible adult.

**LB13. CITY, 8-12 PRINCES STREET, FALKIRK**

With reference to Minute of Meeting of the Licensing Board held on 15 April 2015 (Paragraph LB4 refers), there was submitted report (circulated) dated 8 May 2015 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 15 April 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 21 May 2015.

Mr A McIver, agent for the applicant, was in attendance together with Mr P Smith, a Director of the applicant company. Also in attendance were Mr J Ridley and Mr C Cunningham, Directors of Saints and Sinners Shakes Ltd who were objectors to the application.

The applicant's agent 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 15 April.

The Board **NOTED** that (a) one objection had been submitted on 15 January 2015 in respect of this application and that two representatives from the objecting company were in attendance, and (b) the statutory deadline for objections to be lodged had been 21 November 2014.

After consideration, the Board agreed to hear from the objectors the reason for the late submission, in order to enable a determination on whether to hear the objection.

Mr Cunningham, Director of Saints and Sinners Shake Ltd, indicated that due to the their premises being situated outwith the 4m statutory consultation zone, they had only become aware of the application after a customer had brought it to their attention. He advised that the objection had been lodged immediately thereafter but that it was submitted 16 working days late.

The applicant's agent, Mr McIver, was heard in response to the reason for the objection being submitted late.

After discussion, and having been satisfied that the applicant had advertised the application in line with statutory requirements, and having regard to the length of time that had expired from the deadline for objections until submission of the objection under consideration, the Board did not consider that there were good reasons to depart from the position of treating the objection as not made.

The Board heard from applicant's agent in support of his client's application and in clarification of questions raised by Members.

The Board agreed to a short adjournment. The Board adjourned 10.40 a.m. and reconvened at 11.05 a.m. with all Members present as per the sederunt.

After due consideration of the application before it, the Board **GRANTED** the variation to the premises licence, namely:-

- to amend the Operating Plan to include the provision of hot/cold food takeaway to the list of approved activities, which activity will not exceed beyond the terminal hour.

The Board refused the applicant's request that this activity continue for an additional 30 mins after the terminal hour due to concerns relating to the licensing objectives, securing public safety and preventing public nuisance.

#### **LB14. APPLICATIONS FOR VARIATION TO PREMISES LICENCES**

There was submitted report (circulated) dated 17 April 2015 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 as detailed in Appendices 1 to 3 to the report for (1) The Earl of Zetland, Bo'ness Road, Grangemouth; (2) The Railway Staff Association for Scotland Grangemouth Club, Barrie Place, Grangemouth, and (3) Grangepans Post Office, 14 Grangepans, Bo'ness.

##### **The Earl of Zetland, Bo'ness Road, Grangemouth**

Mr A McIver, agent for the applicant and the premises manager, were in attendance.

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) children and young persons will be allowed entry to the premises if they are accompanied by an adult (i.e. a person over 18 years of age). Young persons will be allowed entry to the premises unaccompanied at the management's discretion. Children and young persons will only be allowed entry when attending for a meal, and
- (2) children and young persons will be allowed entry to the premises at any time during their opening hours but they must vacate the premises by 2200 hrs.

### **The Railway Staff Association for Scotland Grangemouth Club**

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 representative, Mrs Andrews, 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.

The applicant's representative was heard in response to the issues raised in the objection and in clarification of questions raised by Members.

After hearing further from the applicant's representative in support of the application, the Board **GRANTED** the following variations to the premises licence, namely:-

- (1) the on-sales trading hours be varied to:  
Monday to Thursday  
1100 hrs to 2400 hrs  
Sunday 1200 hrs to 2400 hrs
- (2) the addition of a seasonal variation to allow alcohol to be sold from 1000 hrs at each of the following annual events (the date of each event can vary):
  - Ian Hay Trophy
  - Ladies Triples
  - Louis Hynds Trophy
  - Matheson Trophy
  - Cutthel Trophy
  - Jan Andrews Trophy
- (3) to the addition to the list of approved activities in the Operating Plan as follows:

#### **Within and outwith approved operating hours –**

- conference facilities
- restaurant facilities

#### **Within approved operating hours –**

- bar meals

#### **Outwith approved operating hours –**

- receptions including weddings, funerals, birthdays, retirements etc
  - club or other group meetings, etc
  - recorded music
  - indoor/outdoor sports
  - televised sport
- (4) to vary access, ages and times for children and young persons, as follows:
- whilst attending functions or presentation evenings or when participating as junior bowling club members or attending a children's party and when accompanied by a responsible adult at all times
  - children aged 0-15 years of age inclusive. Young persons aged 16 & 17 years of age will be allowed entry
  - children aged 8-15 years of age and young persons 16 & 17 years of age will be allowed entry from 1000 hrs to 1200 hrs for the purposes of bowling. Junior bowling club members when participating in a bowling competition until 2100 hrs. Children and young persons from 0-17 years of age attending functions until the terminal hour. Children and young persons aged 8-17 years of age attending a presentation evening until the terminal hour. Children aged 0-10 years of age when attending a children's party until 1600 hrs.
- (5) to the addition of the following to the list of other activities in the Operating Plan, namely:
- children's parties
  - provision of bouncy castle at children's parties

### **Grangepans Post Office, 14 Grangepans, 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 variations to the current licence, namely:-

- (1) the on-sales trading hours be varied to:
- Monday to Saturday  
1000 hrs to 2100 hrs
- Sunday 1000 hrs to 2100 hrs
- (2) the addition of recorded music to the approved list of activities within and outwith approved operating hours, and
- (3) to change the name of the premises to Grangepans Mini Market.

### **LB15. CASTLETON MINI MARKET, 1A CASTLETON CRESCENT, GRANGEMOUTH**

There was submitted Report (circulated) dated 6 May 2015 from the Clerk to the Licensing Board (a) summarising the review process in terms of section 36 of the Licensing (Scotland) Act 2005, and (b) advising that an application had been received from the Licensing Standards Officer to review the premises licence in respect of Castleton Mini Market, 1A Castleton Crescent, Grangemouth, details of which were circulated as an appendix to the Report.

Mohammed Saleem, premises licence holder was in attendance and accompanied by his agent, Mr Sandeman.

In the absence of Thomas Ross, Licensing Standards Officer, the Board heard from his colleague, Douglas Froom in relation to the premises licence review request, which had been submitted in terms of s.36(3)(b).

Mr Sandeman was then heard in relation to matters detailed in the premises licence review request and to the concerns raised.

After a short discussion, the Board **AGREED** to **CONTINUE** the review application to a future meeting of the Board to allow the Mr Ross, Licensing Standards Officer an opportunity to attend.

#### **LB16. DAY TO DAY, 18 HOLYROOD PLACE, STENHOUSEMUIR**

There was submitted Report (circulated) dated 10 May 2015 from the Clerk to the Licensing Board (a) summarising the review process in terms of section 36 of the Licensing (Scotland) Act 2005, and (b) advising that an application had been received from the Licensing Standards Officer to review the premises licence in respect of Day to Day, 18 Holyrood Place, Stenhousemuir, details of which were circulated as an appendix to the Report.

After hearing from the Consumer Protection Manager in relation to the premises licence review request, the Board **AGREED** that grounds for review in terms of section 36 of the Act were established due to one or more of the conditions to which the premises licence is subject have been breached.

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.