

FALKIRK COUNCIL

MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 15 APRIL 2015 at 9.30 a.m.

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

CONVENER: Councillor Nicol.

ATTENDING: Clerk; Consumer Protection Manager; Solicitor (P Gilmour); Clerical Assistant (N Henderson), and Committee Services Officer (A Sobieraj).

ALSO

ATTENDING: Licensing Standards Officers (D Frood and T Ross); and Environmental Health Officer (D Wilcox).

LB1. APOLOGIES

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

LB2. DECLARATIONS OF INTEREST

No declarations were made.

LB3. MINUTE

The minute of the meeting of the Licensing Board held on 4 February 2015 was approved.

LB4. APPLICATIONS FOR EXTENDED HOURS

City, 8-12 Princes Street, Falkirk

Mr A McKinnie, the applicant's representative and Premises General Manager was in attendance.

There was submitted report (circulated) dated 10 March 2015 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 as detailed in Appendix 1 to the report.

Having heard from the applicant's representative in support of the application and in clarification of questions raised by Members, the Board **GRANTED** the extended hours application for an additional one hour from 0200 to 0300 hours on Monday 25 May 2015.

Café Westfield, Third Floor, Falkirk Community Stadium, Westfield, Falkirk

Mr P Eadie, the applicant's representative and Premises Manager, was in attendance.

There was submitted report (circulated) dated 31 March 2015 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 as detailed in Appendix 1 to the report.

Having heard from the applicant's representative in support of the application and in clarification of questions raised by Members, the Board **GRANTED** the extended hours application for an additional one hour from 0900 to 1030 hours on Saturday 18 April 2015.

LB5. APPLICATIONS FOR VARIATION TO PREMISES LICENCES

There was submitted report (circulated) dated 26 February 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 4 to the report for (1) City, 8-12 Princes Street, Falkirk; (2) Avonbridge Inn, Main Street, Avonbridge, Falkirk; (3) Barrie Food Store, 40c Hawthorn Street, Grangemouth, and (4) Avongrange Arms Hotel, Kersiebank Avenue, Grangemouth.

City, 8-12 Princes Street, Falkirk

Mr A McIver, agent for the applicant, was in attendance together with Mr A McKinnie, the applicant's representative and Premises General Manager. Also in attendance were Mr J Ridley and Mr C Cunningham, Directors of Saints and Sinners Shakes Ltd and objectors to the application.

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.

The applicant's agent, Mr McIver, raised as a preliminary point, concern at the competency of the objection due to its late submission. 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 Ridley and Mr Cunningham, Directors of Saints and Sinners Shake Ltd, indicated that they had only become aware of the application after the deadline for objections and had thereafter immediately submitted the objection. 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.

Thereafter, having heard from the applicant's agent in support of the application, and in clarification of questions raised by Members, the Board **AGREED** to **CONTINUE** consideration of this item of business to allow a members' inspection of the site.

Avonbridge Inn, Main Street, Avonbridge, Falkirk

Mr Hazzard, agent for the applicant, was in attendance together with Mr A Gibson, Premises Licenceholder and his colleague Mr M Rae.

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 variation to the current licence, namely:-

- (a) the amendment to the operating plan to add approved activities for (i) outwith core operating hours - restaurant facilities; bar meals; receptions including weddings, funerals, birthdays and retirements; club or other group meetings; recorded music; live performances; dance facilities; indoor/outdoor sports, and televised sport; and (ii) within and outwith core operating hours - gaming, and
- (b) the amendment to the layout plan in line with the approved changes within the application, and
- (c) that access for children and young persons be varied as follows:-
 - children 0 to 15 years and young persons aged 16 and 17 years will be permitted to all areas (but not at or adjacent to the bar), under supervision of an adult for the purposes of having a meal/snack or attending a private function until 2200 or (for children aged 6 and over and young people) until the end of the private function.

NOTE: Members also indicated that following approval they would undertake an informal visit to the premises for information and interest only.

Barrie Food Store, 40c Hawthorn Street, Grangemouth

Mr A Chaudhry, the applicant's representative and Premises Manager, was in attendance.

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 variation to the current licence, namely:-

- (a) the amendment to the layout plan to indicate that alcohol would be displayed in two zones, one of which was not accessible to the public.

Avongrange Arms Hotel, Kersiebank Avenue, Grangemouth

Mr McGowan, agent for the applicant, was in attendance together with Mr W Torrance, Area Manager.

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 variation to the current licence, namely:-

- (a) the addition to the local conditions as follows:-
 - the imposition of a curfew from 12:30 a.m. on Fridays and Saturdays to prevent people from entering the premises 30 minutes prior to the terminal hour;
 - that one steward would be on duty on nights when a DJ was playing;
 - that CCTV would be reconfigured to cover the existing blind spots to the satisfaction of Police Scotland;
 - that no pool table would be located on the premises, and

- (b) that the operating plan be changed to reflect the removal of accommodation from the list of activities and that 6(b) and (d) of the operating plan be changed to add the word 'restaurant' to ensure that children and young people were permitted on the premises for the purpose of having a meal in the restaurant or when attending a function;
- (c) the removal of reference to a night porter and residents from list of activities in the operating plan;
- (d) that access for children and young persons be varied as follows:-
 - children and young persons aged 0 to 17 years will be permitted on the premises within the function room when accompanied by an adult for the purposes of consuming a meal in the restaurant until 2000 hours or when attending a function to 2200 hours;
- (e) the changes to the layout to reflect the removal of the pool table facility and the external area, first floor rooms and café/children's play area from the licensed area, and
- (f) the amendment to the description of the premises to reflect the removal of the external area, first floor rooms and café/children's play area from the licensed area.

LB6. EQUALITY ACT 2010 - EQUALITY MAINSTREAMING AND EQUALITY OUTCOMES REPORT

There was submitted report (circulated) dated 9 March 2015 from the Clerk to the Licensing Board (a) advising of the actions taken and the progress made in relation to the Licensing Board's Multi-Equality Strategy; (b) seeking approval of the Equality Mainstreaming and Equality Outcomes Report and the Equality Outcomes Action Plan 2015 - 2017, and (c) attaching the said documents as Appendices 1 and 2 to the report.

The report advised that in terms of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, the Board was required to report and publish by 30 April 2015 a mainstreaming report detailing the progress made towards achieving the equality outcomes published in 2013.

After discussion, the Board:-

- (a) **NOTED** the report and that the next update report would be submitted to the meeting at the end of April 2017; and
- (b) **APPROVED** the Equality Mainstreaming and Equality Outcomes Report and Equality Outcomes Action Plan 2015 - 2017 and the publication of the report on the Council website by 30 April 2015.