

DRAFT

FALKIRK COUNCIL

MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 21 OCTOBER 2015 at 9.30 a.m.

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

CONVENER: Councillor Black.

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

ALSO

ATTENDING: Mr D Frood, Licensing Standards Officer; Sergeant I McGregor and PC A Kane, Police Scotland.

Prior to the meeting commencing, the Convener welcomed Councillor Meiklejohn to her first meeting of the Licensing Board.

LB37. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Nicol and Nimmo.

LB38. DECLARATIONS OF INTEREST

Baillie Buchanan declared a non-financial interest in Item LB44 (The Helix Visitor Centre) as a member of the Falkirk Community Trust Board, and considered that this required him to recuse himself from consideration of the item having regard to the objective test in the Code of Conduct.

LB39. MINUTE

The minute of meeting of the Licensing Board held on 23 September 2015 was approved.

LB40. WONDER WORLD PLAY CENTRE, BANKSIDE INDUSTRIAL ESTATE, CASTLE LAURIE, FALKIRK

There was submitted report (circulated) dated 23 September 2015 from the Clerk to the Licensing Board providing details of an application made in terms of schedule 10 of the Gambling Act 2015 for an unlicensed Family Entertainment Centre Gaming Machine Permit.

Having heard from the applicant's agent in support of the application and in clarification of questions raised by Members, the Board **GRANTED** the application for an unlicensed Family Entertainment Centre Gaming Machine Permit.

LB41. CADGER'S BRAE, BEANCROSS ROAD, POLMONT, FALKIRK

There was submitted report (circulated) dated 5 October 2015 from the Clerk to the Licensing Board providing details of an application made in terms of section 283 of the Gambling Act 2005.

After hearing the Consumer Protection Manager outline the terms of application, the Board **GRANTED** the application for a gaming machine permit.

LB42. APPLICATIONS FOR EXTENDED HOURS OVER THE FESTIVE PERIOD

There was submitted report (circulated) dated 28 September 2015 from the Clerk to the Licensing Board providing details of applications 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.

After discussion, the Board **GRANTED** the extended hours for each application detailed in the appendix attached to this minute.

LB43. FALKIRK GOLF CLUB, 136 STIRLING ROAD, FALKIRK

There was submitted report (circulated) dated 1 October 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.

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 from 2300 hrs on Sunday 27 December to 0030 hrs on Monday 28 December 2015.

LB44. APPLICATIONS FOR THE PROVISIONAL GRANT OF PREMISES LICENCES

There was submitted report (circulated) dated 28 September 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 provisional grant of premises licences as detailed in Appendices 1 to 3 of the report for (1) Home Bargains, Redbrae Road, Camelon; (2) The Helix Visitor Centre, Helix Park, Falkirk, and (3) One Stop, Bellsdyke Road, Larbert.

Home Bargains, Redbrae Road, Camelon

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.

In accordance with his declaration of interest, Baillie Buchanan left the meeting prior to consideration of the following item of business.

The Helix Visitor Centre, Helix Park, Falkirk

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, and attaching the following conditions thereto, namely:

- (1) that the terminal hour for outdoor drinking will be 2200 hrs, and
- (2) that risk assessments will be undertaken for each event and appropriate measures put in place, if required.

Baillie Buchanan re-entered the meeting following conclusion of the foregoing item of business.

One Stop, Bellsdyke Road, Larbert

The Board **NOTED** that one objection had been received in respect of the application. The objector had been invited to attend but, due to work commitments, was unable to be present.

The applicant's agent advised that he had no preliminary matters to raise concerning the validity of the objection. Accordingly, a copy of the objection was circulated to members.

Both the applicant's representative and the Licensing Standards Officer were heard in response to questions raised by members in relation to issues contained in the letter of objection.

After hearing further from the applicant's agent in support of the application, the Board **GRANTED** the provisional premises licence.

LB45. KEYSTORE EXPRESS & POST OFFICE, 7 DUKE STREET, DENNY

There was submitted report (circulated) dated 6 October 2015 from the Clerk to the Licensing Board providing details of an application made in terms of section 20 of the Licensing (Scotland) Act 2005 for the grant of a premises licence.

Having heard from the applicant in support of the application and in clarification of questions raised by Members, the Board **GRANTED** the new premises licence.

LB46. BLACKNESS BOAT CLUB

With reference to Minute of Meeting of the Licensing Board held on 23 September 2015 (Paragraph LB35 refers), there was submitted report (circulated) dated 29 September 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 variations to the premises licence; (b) advising that the application was before the Board on 23 September but 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 6 October 2015.

The Convener advised all parties, that the composition of the Licensing Board was different to that from the meeting on 23 September. There was no objection to this and the application was heard as new.

Three office bearers of the applicant company were in attendance, namely Mr Halliday, Mr McKay and Ms Rowland.

The Board were advised that four objections had been received within the statutory objection period in relation to the application and that two of the objectors were in attendance, namely Mrs Bugg and Mr Melville.

The Board were further advised that two representations in support of the application had been received outwith the statutory period. The question of competency had arisen at the previous meeting, when the Board had agreed to only accept the representation dated 6 September.

After being advised of the deadline date for objections and/or representations, the Board agreed to accept the representation dated 6 September.

There being no other preliminary matters, copies of the objections and the representation were circulated to members.

The Board agreed to a short adjournment at 11.25 a.m. and reconvened at 11.35 a.m. with all Members present as per the sederunt.

The Consumer Protection Manager advised that during the site visit, representatives from the applicant company had intimated that an amended layout plan would be submitted to the Licensing Board to show a decrease in the size of the proposed outdoor drinking area. The amended plan was circulated to Members for approval.

Mrs Bugg was heard in support of her objection and in clarification of questions raised by Members.

Mr Melville advised that his objection was not relative to the licensing of the premises.

The Board heard from the applicant company representatives in relation to concerns raised in the objections, the action which had already been taken to address specific issues, and in clarification of questions raised by Members.

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

- (1) to amend the list of approved activities in the Operating Plan as follows:
 - the addition of club and other group meetings and recorded music outwith core hours
 - the addition of outdoor drinking within core hours, which will terminate at 2000 hrs
 - the addition of conference facilities, bar meals, receptions, live performances, dance facilities, films, gaming, indoor and outdoor sports and televised sport within and outwith core hours
- (2) to vary the terms under which children and young persons will be allowed entry and parts of which they will be allowed entry, as follows:
 - children and young persons will be allowed in only if accompanied by a parent, guardian or other responsible person who is a member or invited guest of the club. They will not be permitted to enter the bar area as specified in the layout plan
 - children and young persons may enter only the toilet areas and the lounge (excluding the part designated in the layout plan as the bar area) and the outdoor drinking areas

The Board **APPROVED** the amended layout plan submitted at the meeting, which showed the reduced outdoor drinking area.

The Board also attached the following condition to the licence, namely:-

“That there is sufficient signage in place, particularly in regards to patrons’ safety both inside and outside the premises”

LB47. APPLICATIONS FOR NON MINOR VARIATION TO PREMISES LICENCE

There was submitted report (circulated) dated 29 September 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 variations to the premises licence as detailed in Appendices 1 and 2 of the report for (1) Redding & Westquarter Unity Club, Redding Road, and (2) Corbie Inn, 84 Corbiehall, Bo’ness.

Redding & Westquarter Unity Club, Redding Road, Redding

Having heard from the applicant’s representative, the Board **GRANTED** the following variations to the current licence, namely:-

- (1) to amend specific condition number 1 on the premises licence, namely, “No children permitted on the premises when live sporting events are being televised”

to read “No children or young persons allowed on the premises when Celtic and Rangers are playing each other, ie Old Firm game”;

- (2) to remove specific condition number 3, namely “Children and young persons are not permitted on the premises whilst waiting for transportation to football matches”;
- (3) to the addition of conference facilities to the list of approved activities within core operating hours;
- (4) to the addition of the following to the list of approved activities outwith core operating hours and which activities will take place prior to the premises opening and not after the terminal hour, namely:
 - Receptions, including weddings, funerals, birthdays, retirements etc
 - Club or other group meetings, etc
 - Recorded music
 - Televised sport
- (5) to remove adult entertainment from the list of approved activities;
- (6) the addition to the details of any other activities in the Operating Plan, as follows:
 - Children’s birthday and Christmas parties
 - Flute band practice
 - Bingo nights
 - Bouncy castles
 - Charity and fundraising events
- (7) to vary the terms and times of access for children and young persons, as follows:
 - (i) children and young persons aged 0-17 years will be allowed entry for bona fide functions, including children’s birthday parties and annual Christmas party; to attend at band practice; and for waiting on the supporters bus leaving for home games at Ibrox – all whilst accompanied by an adult.
 - (ii) children and young persons aged 0-17 years will be allowed entry until the terminal hour whilst attending a bona fide function; until 1800 whilst attending a children’s party; 2100 hrs whilst attending the annual children’s Christmas party; 2100 hrs whilst attending at band practice; and for one hour prior to the supporters’ bus leaving for home games at Ibrox.

The applicant’s representative gave an undertaking to provide a designated family friendly area situated to one side of the hall away from the bar area.

Corbie Inn, 84 Corbiehall, Bo’ness

Having heard from the applicant’s representative, the Board **GRANTED** the following variations to the current licence, namely:-

- (1) that the Sunday operating hours be amended to:

On Sales – 1100 hrs to 2400 hrs
Off Sales – 1100 hrs to 2200 hrs

- (2) to the addition of the following to the list of approved activities outwith core operating hours, as follows:
 - live performances
 - indoor/outdoor sports
- (3) to the addition of the following to the list of approved activities within and outwith core operating hours, as follows:
 - conference facilities
 - dance facilities
 - theatre
 - films
- (4) to vary the terms and times of access for children and young persons, as follows:
 - (i) children and young persons will be allowed entry for meals when accompanied by parents or carers or when attending a function;
 - (ii) children and young persons will be allowed entry until 2100 hrs within the lounge bar; and until the terminal hour within the function room.
- (5) to amend the layout plan to reflect the addition of the function room;
- (6) to change the capacity in the Operating Plan from 110 to 250 as a result of the function room being added to the licensed area, and
- (7) to change the description of the premises in the premises licence and summary to amend the words “vacant former function room” to read “function room”.

LB48. KIRSTY MUIR

There was submitted Report (circulated) dated 7 October 2015 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 for the grant of a personal licence.

The Board agreed to **CONTINUE** the application to allow the applicant to be in attendance.

LB49. DATES OF LICENSING BOARD MEETINGS

There was submitted Report (circulated) dated 12 October 2015 from the Clerk to the Licensing Board detailing the proposed Licensing Board dates for 2016.

The Board **APPROVED** the dates for meetings of the Licensing Board for 2016.

Premises	Event	Date Event Starts	Hours Granted on 21 October 2015	Current Hours Granted
Redding and Westquarter Unity Club	Hogmanay Party	Thursday 31 December 2015	24:00 until 2.00	10.00 until 24:00
First Down	Christmas Eve Dinner & Dance	Thursday 24 December 2015	24:00 until 2.00	11:00 until 24:00
First Down	Hogmanay Party & Buffet	Thursday 31 December 2015	24:00 until 2.00	11:00 until 24:00
Falkirk Golf Club	Hogmanay Party & Buffet	Thursday 31 December 2015	23:00 until 1:00	11:00 until 24:00
The Star Inn	Hogmanay Party & Buffet	Thursday 31 December 2015	24:00 until 2.00	11:00 until 24:00
Burnhead Bowling Club	Hogmanay Event with live music	Thursday 31 December 2015	23:00 until 1:00	19:00 until 23:00
Pierre's	Festive Menu Bookings	Monday 7 December 2015	12:00 until 23:00	Closed
Pierre's	Festive Menu Bookings	Monday 14 December 2015	12:00 until 23:00	Closed
Pierre's	Festive Menu Bookings	Monday 21 December 2015	12:00 until 23:00	Closed
Pierre's	Festive Menu Bookings	Monday 28 December 2015	12:00 until 23:00	Closed