

DRAFT

FALKIRK COUNCIL

MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 18 NOVEMBER 2015 at 9.30 a.m.

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

CONVENER: Councillor Nicol.

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

ALSO

ATTENDING: D Frood and T Ross, Licensing Standards Officers; C Sibbald, Environmental Health Officer; J Sleith, Food and Safety Regulation Manager, and Sergeant I McGregor, Police Scotland.

LB50. 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.

LB51. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Black, Blackwood and Meiklejohn.

LB52. DECLARATIONS OF INTEREST

Councillor Nicol declared a non-financial interest in Item LB56 - Applications for Extended Hours over the Festive Period in relation to Lodge Zetland 391, 41 Bo'ness Road, Grangemouth and considered that this required him to recuse himself from consideration of this application.

LB53. MINUTE

The minute of meeting of the Licensing Board held on 21 October 2015 was approved.

LB54. CINEWORLD, CENTRAL RETAIL PARK, GRAHAMS ROAD, FALKIRK

There was submitted report (circulated) dated 21 October 2015 from the Clerk to the Licensing Board providing details of an application made in terms of schedule 10 of the Gambling Act 2005 for an unlicensed Family Entertainment Centre Gaming Machine Permit.

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 unlicensed Family Entertainment Centre Gaming Machine Permit.

LB55. APPLICATION FOR PERSONAL LICENCE - KIRSTY MUIR

With reference to Minute of Meeting of the Licensing Board held on 21 October 2015 (Paragraph LB48 refers), there was submitted report (circulated) dated 23 October 2015 from the Clerk to the Licensing Board providing (a) details of an application made in terms of section 72 of the Licensing (Scotland) Act 2005 for the grant of a personal licence, and (b) referring to the notice submitted by the Chief Constable and the recommendation contained therein.

The applicant was not in attendance.

Sergeant McGregor was heard in amplification of the matters set out in the Chief Constable's notice and on the basis for his recommendation that the application be refused.

After discussion and after due consideration of the matter, the Board agreed to **CONTINUE** the application to a future meeting of the Licensing Board to allow further information to be provided.

LB56. APPLICATIONS FOR EXTENDED HOURS OVER THE FESTIVE PERIOD

There was submitted report (circulated) dated 2 November 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.

In terms of his declaration of interest, Councillor Nicol left the meeting prior to consideration of the application for Lodge Zetland 391.

Councillor Turner assumed the Chair for this application. Thereafter, Councillor Nicol re-joined the meeting and re-assumed the Chair.

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

LB57. AULD VIC, 75 GRAHAMS ROAD, FALKIRK

There was submitted report (circulated) dated 28 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 0100 hrs to 0200 hrs on Saturday 11 December 2015.

LB58. APPLICATIONS FOR NON MINOR VARIATION TO PREMISES LICENCE

There was submitted report (circulated) dated 22 October 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 licences as detailed in Appendices 1 to 3 of the report for (1) Tavern, 3 - 7 La Porte Precinct, Grangemouth, Falkirk; (2) Wellington Bar, 6 Manor Street, Falkirk, and (3) New Ship Inn, 102 Newhouse Road, Grangemouth.

Tavern, 3 - 7 La Porte Precinct, Grangemouth, Falkirk

Having heard from the applicant's agent, the Board **GRANTED** the following variation to the current licence, namely, to the addition of "dance facilities" to the list of approved activities within core operating hours in the area detailed on the layout plan submitted with the application.

Wellington Bar, 6 Manor Street, Falkirk

The Board **NOTED** that one objection had been received outwith the statutory objection period and that due to work commitments, the objector was unable to attend the meeting.

The question of competency therefore arose. After being advised of the deadline date for objections, Councillor Nimmo, seconded by Councillor Turner moved that there was no good reason made for the lateness of the objection, and that the objection be treated as not made.

As an amendment, Councillor Ritchie, seconded by Councillor Hughes moved that there was good reason made for the lateness of the objection and the objection be heard.

On a division, 3 Members voted for the amendment and 4 for the motion.

Accordingly, the objection was treated as not made and was not circulated to Members.

The Board then invited the applicant's agent to speak in support of the application.

Having heard from the applicant's agent in clarification of questions raised by

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

- (1) that the operating hours be amended as follows:

On Sales

Sunday to Thursday – 1100 hrs to 2400 hrs

Off Sales

Sunday – 1100 hrs to 2200 hrs

- (2) to the addition of the following seasonal variation, namely:

“that any additional hours which may be available in terms of the Licensing Board’s Statement of Licensing Policy, including the festive season”

New Ship Inn, 102 Newhouse Road, Grangemouth

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

- (1) that the operating hours be amended as follows:

On Sales

Sunday to Thursday – 1100 hrs to 2400 hrs

Off Sales

Sunday – 1100 hrs to 2200 hrs

Premises	Event	Date Event Starts	Hours Granted on 18 November 2015	Current Hours Granted
The Ellwyn	Hogmanay Party with Scottish music, disco and buffet	Thursday 31 December 2015	24:00 until 2:00	11:00 until 24:00
Behind the Wall	Christmas Eve Party Night with live band and 2 DJ's	Thursday 24 December 2015	01:00 until 02:00	09:00 until 01:00
Behind the Wall	Hogmanay Party Night with live band and 2 DJ's	Thursday 31 December 2015	01:00 until 02:00	09:00 until 01:00
Polmont Golf Club	Hogmanay Party	Thursday 31 December 2015	24:00 until 2:00	10:00 until 24:00
City	The Big Xmas Event	Thursday 24 December 2015	02:00 until 04:00	11:00 until 02:00
City	New Years Eve White Carnival	Thursday 31 December 2015	02:00 until 04:00	11:00 until 02:00
The Songbird Bar and Function Suite	Christmas Eve Party with DJ Santa	Thursday 24 December 2015	24:00 until 01:00	11:00 until 24:00
The Songbird Bar and Function Suite	Live Scottish Music Hogmanay Party	Thursday 31 December 2015	24:00 until 01:00	11:00 until 24:00
Railway Staff Association Club	Buffet, band and dancing	Thursday 31 December 2015	24:00 until 01:30	11:00 until 24:00