

**DRAFT**

**FALKIRK COUNCIL**

**MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 14 JUNE 2016 at 9.30 a.m.**

**PRESENT:** Baillie Buchanan; Councillors Nicol; Nimmo; Ritchie and Turner.

**CONVENER:** Councillor Nicol.

**ATTENDING:** Clerk; Consumer Protection Manager; Committee Services Officer (A Fraser), and Licensing Assistant (L Burgess).

**ALSO  
ATTENDING:** Thomas Ross, Licensing Standards Officer.

**LB16. APOLOGIES**

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

**LB17. DECLARATIONS OF INTEREST**

No declarations were intimated.

**LB18. MINUTE**

The minute of meeting of the Licensing Board held on 24 May 2016 was approved.

**LB19. BEST ONE CONVENIENCE STORE, 18 HOLYROOD PLACE, STENHOUSEMUIR**

There was submitted report (circulated) dated 17 May 2016 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 provisional grant of a premises licence in respect of Best One Convenience Store, 18 Holyrood Place, Stenhousemuir.

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 new premises licence.

## **LB20. WELLINGTON BAR, 6 MANOR STREET, FALKIRK**

There was submitted report (circulated) dated 24 May 2016 from the Clerk of the Licensing Board providing details of an application made in terms of section 29 of the Licensing (Scotland) Act 2005 for the non minor variations to a premises licences as detailed on Appendix 1, Wellington Bar, 6 Manor Street, Falkirk.

After hearing from the Consumer Protection Manager, the Board **NOTED** that the application had been **WITHDRAWN** by the applicant.

## **LB21. APPLICATIONS FOR NON MINOR VARIATION TO PREMISES LICENCES**

There was submitted report (circulated) dated 17 May 2016 from the Clerk of the Licensing Board providing details of applications made in terms of section 29 of the Licensing (Scotland) Act 2005 for the non minor variations to premises licences as detailed on Appendices 1, 2 and 3 of the report for (1) The Inn at Longcroft (now known as Mango the Restaurant), 224 Glasgow Road, Longcroft, (2) Elphinstone Inn, The Cross, High Street, Airth, and (3) The Champany Inn, By Linlithgow.

### **The Inn at Longcroft (now known as Mango the Restaurant), 224 Glasgow Road, Longcroft**

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 to:-

- (1) change the access and times for children and young persons as follows:-
  - a) children and young persons will be allowed entry for the purpose of taking a meal with children under 15 years of age being permitted until 2100 hrs and young persons 16 & 17 years being permitted until 2200 hrs; children and young persons will be permitted on the premises for the purpose of attending a private function and when accompanied by an adult with children under 8 years of age being permitted until 2100 hrs, children aged 8-15 years until 2300 hrs and young persons 16 & 17 years being permitted until the terminal hour; and
  - b) all children and young persons will be allowed entry to all public areas as shown in the layout plan;
- (2) remove indoor/outdoor sports and televised sports from the list of approved activities; and

- (3) change the layout plan to show the relocation of the bar to the rear of the room, the addition of a sunroom which is to be used as a seating area and the addition of a waiting room.

### **Elphinstone Inn, The Cross, High Street, Airth**

The Board **NOTED** that one objection had been received in respect of the application and that the objector was in attendance.

The applicant's representative 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.

The objector was heard in support of her objection and in clarification of questions raised by Members.

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

The Board then heard from the Licensing Standards Officer in relation to matters raised in the letter of objection.

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

- (1) change the layout plan to reflect the changes to the premises that have taken place to convert the current kitchen area to a restaurant and to move the kitchen to the former cooler room. The amended layout plan also shows the increase in the area accessible to children and young persons;
- (2) the addition to the approved on sales operating hours on a Sunday as follows:  
  
1100 hrs until 2400 hrs
- (3) the addition of off sales facilities with the following operating hours as follows:  
  
Monday to Sunday  
1100 hrs to 2200 hrs
- (4) change the access and times for children and young persons as follows:-
  - (a) children must be accompanied by an adult at all times. Young persons must be accompanied by an adult after 2000 hrs. The premises will strictly regulate the admission of children and young persons and will adopt the Prove It/PASS ID schemes requiring photographic evidence of age if in doubt;

- (b) **Lounge** - children 0-15 years daily 0900 hrs until 2000 hrs; young persons 16-17 daily 0900 hrs until 2200 hrs.

**Restaurant** – for the purpose of taking a meal children – daily 0900 hrs until 2200 hrs; young persons – core hours daily.

**For the purposes of attending a function** – children and young persons will be allowed entry until the end of a *bona fide* function but no later than the terminal hour.

- c) children and young persons will be permitted access to all areas shaded yellow on the layout plan. On occasion, children and young persons may traverse the public bar for all necessary access to and egress from the permitted parts of the premises.

- (5) the addition of the following activities to the list of approved activities within and outwith core operating times:

- conference facilities, restaurant facilities, films and theatre;

- (6) the provision of the following activities on the list of approved activities outwith core operating hours:

- bar meals, receptions, club meetings, recorded music, live performances, indoor/outdoor sports, televised sport and outdoor drinking

- (7) the addition of the following information to the Operating Plan where activities are provided outwith core hours:

- conference facilities and receptions – conferences and seminars and such receptions as described above shall occasionally commence from 0900 hrs with the provision of morning facilities such as teas, coffees and breakfasts
- club or other group meetings – as for receptions
- restaurant facilities and bar meals – teas, coffees and breakfasts commence from 0900 hrs
- recorded music – background music shall occasionally be provided to enhance the provision of morning receptions, club meetings, conferences and seminars
- outdoor drinking facilities – non alcoholic refreshments will be available for consumption by patrons in the outdoor drinking area in the morning before licensing opening times but not after the terminal drinking hour
- live performances – dramatic, artistic and musical performances by artistes shall occasionally be performed in the morning before licensing opening times but not after the terminal drinking hour to enhance conferences, seminars, receptions and club meetings
- dance facilities, theatre and films – as for live performances
- televised sport – sporting events from across the world such as tennis, football, athletics events (Olympic Games, Commonwealth Games, World Championships), boxing matches shall on occasion be screened to patrons

- none of the above activities will take place after the terminal hour

The Licensing Board attached the following 2 conditions to the licence, namely:-

- (1) that live performances will be restricted to no more than 2 per month, and
- (2) off-sales will only be made available to persons visiting the premises for the purpose of consuming a meal.

### **The Champany Inn, By Linlithgow**

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 to:-

- (1) children and young persons of all ages will be permitted to access the public/customer areas of the premises subject to children being accompanied by an adult;
- (2) during the core opening times, children and young persons of all ages will be permitted to access the public/customer areas of the premises, subject to children and young persons under 16 years of age being accompanied by an adult, and
- (3) children and young persons will be permitted in all public/customer areas of the premises including the restaurant, the Chop & Ale House, the courtyard and any marquee erected for wedding receptions, celebrations and functions and appropriate residents rooms.

## **LB22. THE LICENSING (FEES) (SCOTLAND) REGULATIONS 2007 – ANNUAL FEES**

There was submitted Report (circulated) dated 8 June 2016 from the Clerk to the Licensing Board on the requirement of the Board to set an annual fee for holders of premises licences in accordance with the Licensing (Fees) (Scotland) Regulations 2007.

After discussion, the Board **AGREED** to adopt the annual fee levels detailed in Appendix 1 to the Report for payment by 1 October 2016.