

FALKIRK COUNCIL

Minute of Meeting of the Licensing Board held in the Council Chambers, Municipal Buildings, Falkirk on Wednesday 10 August 2016 at 9.30 a.m.

Present: Baillie Buchanan; Councillors Black; Blackwood; Hughes; McLuckie; Meiklejohn; 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: Douglas Frod, Licensing Standards Officer and Crawford Sibbald, Environmental Health Officer.

LB23. 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.

LB24. Apologies

No apologies for absence were intimated.

LB25. Declarations of Interest

No declarations were intimated.

LB26. Minute

The minute of meeting of the Licensing Board held on 14 June 2016 was approved.

LB27. Applications for Provisional Grant of Premises Licences

There was submitted report (circulated) dated 30 June 2016 from the Clerk of the Licensing Board providing details of an application made in terms of sections 20 and 45 of the Licensing (Scotland) Act 2005 for the provisional grant of premises licences as detailed on Appendices 1, 2, 3 and 4 of the report for (1) Bonnybridge Convenience Store, 83 Broomhill Road, Bonnybridge, (2) The Parsonage, Dunmore Park, Airth, (3) Marks and Spencer Simply Food, Central Retail Park, Falkirk, and (4) Harry Ramsden's, Unit 4 & 5 Kinnaird Village Centre, McIntyre Avenue, Larbert.

The Parsonage, Dunmore Park, Airth

The Board **NOTED** that (a) four late objections had been received in respect of this application, one on 24 July, one on 26 July and two on 28 July 2016 and that two objectors, Mrs Biddlestone and Mr James, were in attendance, and (b) the statutory deadline for objections had been 16 June 2016.

The Board sought from the objectors in attendance their reasons for the late submissions in order to determine whether there was good reason still to hear them in accordance with regulation 10 of the Licensing (Procedure)(Scotland) Regulations 2007.

Mrs Biddlestone and Mr James both set out the reasons why their objections were submitted outwith the statutory deadline. The applicant's agent, Mr Thomson, was then heard in response.

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 objections under consideration, the Board did not consider that there were good reasons to depart from the position of treating the objections as not made. The Board nevertheless addressed the issue of noise as part of their own consideration of the application.

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

After due consideration of the application before it, the Board **GRANTED** the application for a provisional premises licence, and attached the following 3 conditions thereto, namely that:-

- (1) no live music shall be played in the first marquee as marked on the layout plan;
- (2) a noise limiting device designed to cut power when predetermined noise levels set by Falkirk Council Environmental Health Team are exceeded, is to be operational for the duration of the function, and
- (3) all live music to be routed through the noise limiting device as detailed.

The Board agreed to a short adjournment. The Board adjourned 10.30 a.m. and reconvened at 10.40 a.m. with all Members present as per the sederunt with the exception of Councillor Nimmo.

Bonnybridge Convenience Store, 83 Broomhill Road, Bonnybridge

The Board **NOTED** that one objection had been received in respect of the application. The objector had been invited to attend but was not in attendance.

The applicant's representative, Ms Louden, 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 provisional premises licence, and attached the following 2 conditions thereto, namely that the licenceholder shall require to:

- (1) install, maintain and operate appropriately sited CCTV cameras and recording system which can provide images in all light conditions of a quality to enable facial recognition and suitable for use as evidence, which images should be retained for a specific period of time (to be determined by the Board). Staff should be trained and authorised to make these images readily available to Police Scotland and to any authorised Licensing Standards Officer, and
- (2) install and use an Electronic Point of Sale (EPOS) type till to accurately record the date and time of each sale of alcohol together with information about the type and amount of alcohol sold.

Marks and Spencer Simply Food, Central Retail 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.

The applicant's agent gave an undertaking to remove the undernoted sentence from the Statement of Licensing Objectives, namely:

Preventing Public Nuisance

2. They do not open late and the normal operation of the premises does not give rise to public nuisance.

Councillor Nimmo rejoined the meeting after consideration of the previous item.

Harry Ramsden's, Unit 4 & 5 Kinnaird Village Centre, McIntyre Avenue, Larbert

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 condition thereto, namely:

- (1) that the sale of alcohol for consumption off the premises, including takeaways and deliveries, will only be permitted when food is being purchased.

LB28. Earl of Zetland, Bo'ness Road, Grangemouth

There was submitted report (circulated) dated 30 June 2016 from the Clerk to the Licensing Board providing details of an application made in terms of Section 283 of the Gambling Act 2005.

Having heard from the applicant's representative in support of the application and in clarification of questions raised by members, the Board **AGREED** to **CONTINUE** the application to a future meeting of the Licensing Board to allow the Premises Licence holder to attend; and to allow further information relating to the existing gaming machines to be made available.

LB29. Applications for Non Minor Variations to Premises Licences

There was submitted report (circulated) dated 5 July 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 and 2 of the report for (1) Quoit Bar, 63 Main Street, Redding and (2) Bonnybridge Bowling Club, Drove Loan, Bonnybridge.

Quoit Bar, 63 Main Street, Redding

Having heard from the applicant in support of the application and in clarification of questions raised by Members, the Board **AGREED** to **CONTINUE** the application to a future meeting of the Licensing Board.

Councillor Ritchie left the meeting after consideration of the previous item.

Bonnybridge Bowling Club, Drove Loan, Bonnybridge

The Board **NOTED** that three objections had been received in respect of the application and that one objector, Mrs Anderson, 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.

Mrs Anderson was heard in support of her objection and in clarification of questions raised by members.

The applicant's representative was then 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 current premises licence, namely to:

(1) vary the operating hours as follows:

On Sales – 1 April to 31 October

Monday to Thursday - 1000 hrs to 2400 hrs

Friday - 1000 hrs to 0100 hrs

Saturday - 0930 hrs to 0100 hrs

Sunday - 0930 hrs to 2400 hrs

On Sales – 1 November to 31 March

Monday and Thursday – 1230 hrs to 2400 hrs

- (2) the addition of outdoor drinking facilities to the list of approved activities, however this will cease at 2200 hrs; this facility will only be permitted when there is a bowling match(es) taking place or a members' function;
- (3) amend the approved layout plan to show the proposed area for outdoor drinking;
- (4) amend the times during which children and young persons will be allowed entry – with children aged 0-5 years allowed until 2000 hrs; children aged 6-15 years allowed until 2300 hrs, and young persons aged 16 & 17 years allowed until the terminal hour, and
- (5) amend the operating plan to include gaming themed nights within and outwith core operating hours.

The Licensing Board also maintained the existing condition with regard to grass cutting and attached the following condition to the licence, namely:-

- (1) that no 18th or 21st birthday parties will be allowed on the premises.