

FALKIRK COUNCIL

**Minute of Meeting of the Licensing Board held in the Council Chambers,
Municipal Buildings, Falkirk on Wednesday 14 December 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 (C Henderson).

**Also
Attending:** Douglas Frood and Thomas Ross, Licensing Standards Officers, and Sergeant Marie White, Police Scotland.

LB53. 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.

LB54. Apologies

No apologies were intimated.

LB55. Declarations of Interest

Councillor McLuckie declared a non-financial interest in item LB60. He is a member of Slamannan Lodge no.227 and, while it is unconnected to the lodge is the main user of the premises, he considered that this distinction may not be generally understood by the public and consequently stated that he would take no further part in the decision making on this application.

LB56. Minute

The minute of meeting of the Licensing Board held on 16 November 2016 was approved.

LB57. Applications for Non-Minor Variations to Premises Licences

There was submitted report (circulated) dated 24 November 2016 from the Clerk to the Licensing Board providing details of applications made in terms of section 29 of the Licensing (Scotland) Act 2005 for variations to the premises licences as detailed on Appendices 1 to 6 of the report for (1)

Bridgeness & Carriden Miners Welfare Society & Social Club, Harbour Road, Bo'ness; (2) Birrells Bar, 46 Redding Road, Redding; (3) Wheatsheaf, Broad Street, Denny; (4) The Songbird, 209 Stirling Street, Dunipace; (5) One Princes Street, 1 Princes Street, Falkirk, and (6) W & S Frew, 57 Charlotte Dundas Court, Grangemouth.

The Board **AGREED** to **CONTINUE** the following applications to a future meeting of the Licensing Board to allow inspections of the premises to be carried out by Licensing Board members, namely:-

- Bridgeness & Carriden Miners Welfare Society & Social Club, Harbour Road, Bo'ness
- The Songbird, 209 Stirling Street, Dunipace
- One Princes Street, 1 Princes Street, Falkirk

Noted that the applications detailed in appendices (2), (3) and (6) would be determined later at the meeting.

LB58. Applications for Extended Hours During Festive Period

There was submitted report (circulated) dated 18 November 2016 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 for festive events.

The Board **GRANTED** the extended hours for each application, namely:-

Premises	Event	Date Event Starts	Hours Granted	Current Hours Granted
Leapark Hotel	Hogmanay Ball	Saturday 31 December 2016	01:00 until 03:00	11:00 until 01:00
First Down	Christmas Day Party	Sunday 25 December 2016	12 midnight until 02:00	12:30 until 12 midnight
First Down	Boxing Day Party	Monday 26 December 2016	12 midnight until 02:00	11:00 until 12 midnight
First Down	New Year's Day Party	Sunday 1 January 2017	12 midnight until 02:00	12:30 until 12 midnight
Storm	Boxing Day Party	Monday 26 December 2016	01:00 until 03:00	20:00 until 01:00
Storm	New Year Party	Monday 2 January 2017	01:00 until 03:00	20:00 until 01:00

LB59. Three Kings, Wester Shieldhill, Falkirk

There was submitted report (circulated) dated 24 November 2016 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 Sunday 1 January 2017.

In accordance with his declaration, Councillor McLuckie left the meeting prior to consideration of the following item.

LB60. Brian Clark Memorial Hall, Burnside Terrace, Camelon, Falkirk

With reference to Minute of Meeting of the Licensing Board held on 16 November 2016 (paragraph LB47 refers), there was submitted report (circulated) dated 24 November 2016 from the Clerk to the Licensing Board (a) providing details of an application made in terms of section 20 of the Licensing (Scotland) Act 2005 for the grant of a premises licence; (b) advising that the application was before the Board on 16 November but was continued (i) to allow an inspection of the premises to be carried out by members of the Board and (ii) to request Police Scotland to submit an anti-social behaviour report regarding the premises; (c) confirming that the members of the Board had made a site inspection of the premises on 8 December, and (d) attaching as an appendix, the anti-social behaviour report dated 28 November from Police Scotland.

The Clerk advised that she had received notification on 13 December 2016 from Falkirk Council advising that there is an outstanding building control issue which requires to be addressed and which impacts on the relevant section 50 certificate.

In light of this information, the Board **AGREED** to **CONTINUE** the application to a future meeting of the Licensing Board until such time as the outstanding matter had been clarified.

LB61. Applications for Non-Minor Variations to Premises Licences

There was submitted report (circulated) dated 24 November 2016 from the Clerk to the Licensing Board providing details of applications made in terms of section 29 of the Licensing (Scotland) Act 2005 for variations to the premises licences as detailed on Appendices 1 to 6 of the report for (1) Bridgeness & Carriden Miners Welfare Society & Social Club, Harbour Road, Bo'ness; (2) Birrells Bar, 46 Redding Road, Redding; (3) Wheatsheaf, Broad Street, Denny; (4) The Songbird, 209 Stirling Street, Dunipace; (5) One

Princes Street, 1 Princes Street, Falkirk, and (6) W & S Frew, 57 Charlotte Dundas Court, Grangemouth.

Having previously continued three of the applications, the Board considered the remaining applications set out in appendices (2), (4) and (5).

Birrells Bar, 46 Redding Road, Redding

Having heard from the applicant in respect of the application and in clarification of questions raised by members, the Board **GRANTED** the following variations to the current licence, namely to:-

- (1) the increase in approved operating hours as follows –

On Sales

Sunday – 1100 hrs to 2400 hrs

Off Sales

Sunday – 1100 hrs to 2200 hrs

- (2) the addition of the following to the list of approved activities within core operating hours:

- live performances
- dance facilities, and

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

- receptions including weddings, funerals, birthdays, retirements etc
- club or other group meeting etc.

Councillor McLuckie rejoined the meeting after consideration of the foregoing item.

Wheatsheaf, Broad Street, Denny

Having heard from the applicant in respect of the application and in clarification of questions raised by members, the Board **GRANTED** the following variations to the current licence, namely to:-

- (1) the increase in approved operating hours as follows –

On Sales

Sunday to Thursday – 1000 hrs to 2400 hrs

Friday and Saturday – 1000 hrs to 0100 hrs

Off Sales

Sunday to Saturday – 1000 hrs to 2200 hrs

- (2) the addition of an outdoor drinking area as detailed on the proposed layout plan submitted with the application and which facility will terminate at 2200 hrs;
- (3) the addition of the following to the list of approved activities within core operating hours:
 - live performances
 - gaming
 - outdoor drinking facilities
 - adult entertainment
- (4) the addition of the following to the list of any other activities:
 - bingo
 - music quiz
- (5) the removal of the following from the list of any other activities:
 - karaoke on Saturday nights and public holidays (Boxing Day night; May and September weekend)
 - dominos on a Monday and Tuesday night during the league
 - darts on a Monday night during the league

W & S Frew, 57 Charlotte Dundas Court, Grangemouth

Having heard from the applicant's representative in respect of the application and in clarification of questions raised by members, the Board **GRANTED** the following variations to the current licence, namely to:-

- (1) the increase in approved operating hours as follows –
Off Sales
Sunday to Saturday – 1000 hrs to 2200 hrs
- (2) change the layout plan to show a change to the alcohol display area resulting in an increase in capacity from 3.66m³ to 9.619m³ as detailed on the layout plan submitted with the application, and
- (3) amend the Operating Plan to reflect the increase in capacity.

LB62. Carronshore Workers Welfare Sports and Social Club, Bothkennar Road, Carronshore

There was submitted report (circulated) dated 28 November 2016 from the Clerk to the Licensing Board (a) advising that an application had been

received from the Licensing Standards Officer, Falkirk Council to review the premises licence in respect of the Carronshore Workers Welfare Sports and Social Club, Bothkennar Road, Carronshore, details of which were circulated as an appendix to the report, and (b) summarising the review process in terms of section 36 of the Licensing (Scotland) Act 2005.

The Consumer Protection Manager advised that this application was deemed **WITHDRAWN** as the premises licence holder had surrendered the premises licence with immediate effect.

Councillors Black and Nimmo left the meeting prior to consideration of the following item of business due to them not having been in attendance at the review hearing of the premises licence on 16 November 2016.

LB63. Hearing on Personal Licence – Clarinda Matthew

There was submitted report (circulated) dated 28 November 2016 from the Clerk to the Licensing Board (a) referring to the review hearing of the premises licence for The Star Inn, 150 Grahams Road, Falkirk held on 16 November 2016; (b) detailing the Board's finding in terms of section 84(2) of the Licensing (Scotland) Act 2005 that the personal licence holder and designated premises manager, Clarinda Matthew, while working on the premises at The Star Inn, had acted in a manner which was inconsistent with the licensing objectives of preventing crime and disorder, securing public safety, preventing public nuisance and protecting children from harm, and (c) advising that in terms of section 84(3)(a) of the 2005 Act, the Board must now hold a Hearing on Clarinda Matthew's personal licence.

Mr Sandeman, agent for the personal licence holder was in attendance. Clarinda Matthew, personal licence holder, was not in attendance.

The Board heard from Mr Sandeman in support of his client and in relation to the measures which she has put in place since the incident which had resulted in the premises licence review.

Questions were then asked by members of the Board.

After due consideration of the matter before it, and in accordance with section 84(6) of the Act, the Board **AGREED** that it was satisfied that it was necessary for the purposes of the licensing objectives of preventing crime and disorder, securing public safety, preventing public nuisance and protecting children from harm to make an Order in terms of s.84(7) of the Licensing (Scotland) Act 2005 **ENDORISING** Clarinda Matthew's personal licence 332940 issued by the City of Edinburgh Council's Licensing Board.