

FALKIRK COUNCIL

**Minute of Meeting of the Licensing Board held in the Council Chambers,
Municipal Buildings, Falkirk on Wednesday 15 February 2017 at 9.30 a.m.**

Present: Baillie Buchanan; Councillors Black; Blackwood; Hughes; McLuckie; Meiklejohn, Nicol, Nimmo 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, Ian Dryden, Development Manager; Martin Macniven, Environmental Health Officer; Dot Reid, Area Roads Engineer, all Falkirk Council; and Inspector Graham Capes, Police Scotland.

LB70. 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.

LB71. Apology

An apology was intimated on behalf of Councillor Ritchie.

LB72. Declarations of Interest

Councillor McLuckie declared a non-financial interest in items 75 & 76, Brian Clark Memorial Hall. He is a member of Slamannan Lodge No.227 and, while it is unconnected to the lodge which is the main user of the applicant premises, he considered that this distinction may not be generally understood by the public and consequently stated that he would take no part in the decision making on these applications.

LB73. Minute

The minute of meeting of the Licensing Board held on 18 January 2017 was approved.

LB74. Applications for Occasional Licences

**Grangemouth Sports Complex, Abbots Road, Grangemouth -
Application for 4 March 2017**

There was submitted report (circulated) dated 1 February 2017 from the Clerk to the Licensing Board providing (a) details of an application made in terms of s.56 of the Licensing (Scotland) Act 2005 for an occasional licence; (b) summarising the consultation undertaken, and (c) referring to a representation received from the Chief Constable, Police Scotland.

The applicant confirmed that he had received a copy of the representation. Thereafter, a copy of the representation was circulated to members.

Having heard from applicant in support of the application and that he was content to accept the conditions contained in the Chief Constable's representation, the Board **GRANTED** the occasional licence for Personal Licence holder FC1806 from 1800hrs to 2300hrs on Saturday 4 March 2017, subject to the following conditions:

- (1) adequate stewarding by persons who hold a licence granted under s.8 of the Private Security Industry Act 2001 is provided during the event;
- (2) that a personal licence holder be present throughout the duration of the sporting event organised; and
- (3) that all drinks must be decanted into plastic drinking vessels.

Grangemouth Sports Complex, Abbots Road, Grangemouth - Applications for 18 March and 29 April 2017

There was submitted report (circulated) dated 25 January 2017 from the Clerk to the Licensing Board providing (a) details of two applications made in terms of s.56 of the Licensing (Scotland) Act 2005 for occasional licences; (b) summarising the consultation undertaken, and (c) referring to representations received from the Chief Constable, Police Scotland.

The applicant confirmed that he had received a copy of the representations. Thereafter, copies of the representations were circulated to members.

Having heard from applicant in support of the applications and that he was content to accept the conditions contained in the Chief Constable's representation, the Board **GRANTED** the occasional licences for Personal Licence holder FC1806 from 1800hrs to 2300hrs on Saturday 18 March and Saturday 19 April 2017, subject to the following conditions:

- (1) adequate stewarding by persons who hold a licence granted under s.8 of the Private Security Industry Act 2001 is provided during the events;
- (2) that a personal licence holder be present throughout the duration of the sporting events organised; and
- (3) that all drinks must be decanted into plastic drinking vessels.

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

LB75. Application for Grant of Premises Licences

Brian Clark Memorial Hall, Burnside Terrace, Camelon

With reference to Minute of Meeting of the Licensing Board held on 18 January 2017 (paragraph LB 69) refers, there was submitted report (circulated) dated 10 January 2017 from the Clerk to the Licensing Board providing (a) details of an application made in terms of s.20 of the Licensing (Scotland) Act 2005 for the grant of a premises licence; (b) that a site visit had been carried out on 8 December 2016; (c) Police Scotland had provided an anti-social behaviour report on 28 November 2016; (d) there was an outstanding building standards issue with the premises which required to be addressed by the applicant; (e) referring to correspondence from the Scottish Fire and Rescue Service (i) to the applicant regarding a proposed action plan to address deficiencies in the fire safety arrangements at the premises; (ii) to the Board wishing to withdraw their representation, and (f) advising that a Building Warrant Enforcement Notice was issued to the applicant on 16 January 2017 and that a number of items still require to be resolved.

The Board **NOTED** that nine objections had been received in respect of the application, but one had subsequently been withdrawn. The objectors had been invited to attend and 3 were in attendance, namely Jean Jamieson, David Malley, and Peter Redding.

The applicant's representative advised that he had no preliminary matters to raise concerning the validity of the objections. Accordingly, copies of the objections were circulated to members.

Mr Redding was heard in support of his objection and in clarification of questions raised by members.

Mr Malley was then heard in support of his objection and in clarification of questions raised by members.

The Board then heard from Ms Jamieson in support of her objection and in clarification of questions raised by members.

The Board heard from the applicant's representative in relation to concerns raised in the objections and in clarification of questions raised by members.

Martin Macniven, Environmental Health Officer, Falkirk Council was heard in clarification of questions raised by members.

The objectors and the applicant's representative were invited to sum up.

The Board agreed to a short adjournment at 10.50am and reconvened at 11.05am with all members present as per the sederunt.

The Convener advised that the Board was not minded to grant the application at this stage standing concerns around the location, character and condition of the premises, the access sought for children and young persons and the extent of the core licensing hours. To enable the applicant to give consideration to these matters and to liaise further with the Council's Building Standards Unit, the Board **AGREED** to **CONTINUE** the application to a future meeting.

LB76. Applications for Occasional Licences

Brian Clark Memorial Hall (PL0461), Burnside Terrace, Camelon

There was submitted report (circulated) dated 9 February 2017 from the Clerk to the Licensing Board providing (a) details of applications for four applications made in terms of s.56 of the Licensing (Scotland) Act 2005 for occasional licences; (b) summarising the consultations undertaken; (c) referring to objections received for the events proposed to take place on 3, 4 & 5 March, and (d) the Licensing Standards Officer's report.

The objector was in attendance.

The applicant's representative advised that he had no preliminary matter to raise concerning the validity of the objections. Accordingly, copies of the objections were circulated to members.

The objector was heard in support of his objections and in clarification of questions raised by members.

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

The Board then heard from Ian Dryden, Development Manager, Falkirk Council 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 occasional licences for Personal Licence FC1797, namely:-

Saturday 18 February 2017 - 1930hrs to 0030hrs
Friday 3 March 2017 - 1830hrs to 0030hrs
Saturday 4 March 2017 - 1830hrs to 0030hrs
Sunday 5 March 2017 - 1300hrs to 2100hrs

AGREED that the following condition be attached to the occasional licences, namely:

- that prior to each event, the Authority's Building Standards Unit will determine the maximum capacity permitted and notify the applicant to that effect.

Councillor McLuckie re-joined the meeting during consideration of the following item.

LB77. Applications for Non-Minor Variations to Premises Licences

Bridge Inn, The Knowes, Linlithgow Road, Linlithgow

With reference to Minute of Meeting of the Licensing Board held on 18 January 2017 (paragraph LB 69) refers, there was submitted report (circulated) dated 23 January 2017 from the Clerk to the Licensing Board providing (a) details of applications made in terms of section 29 of the Licensing (Scotland) Act 2005 for variations to the premises licences for Bridge Inn, The Knowes, Linlithgow Road, Linlithgow, and (b) referring to the inspection of the premises on 30 January 2017.

The applicant was heard in respect of the application and in clarification of questions raised by members.

The Board then heard from Dot Reid, Area Roads Engineer, Falkirk Council in clarification of questions raised by members.

After further discussion, the Board **GRANTED** the following variations to the current licence, namely to:-

(1) the addition of off-sales facilities during the following operating hours:

Monday to Sunday 1100hrs until 2200hrs

(2) delete Specific Condition No.1, namely:

“no smoking shall be permitted in any of the outside areas where meals are served”

(3) the addition of the following activities within and outwith core operating hours:

- conference facilities
- live performances
- dance facilities
- gaming

(4) the addition of the following activities outwith core operating hours:

- restaurant facilities
- bar meals

- receptions, including weddings, funerals, birthdays, retirements etc
 - club or other group meetings
 - recorded music
 - indoor/outdoor sports
 - televised sport
 - outdoor drinking
- (5) change the seasonal variation wording to add:
- “bottled drinks can be sold from the keg cellar for consumption in or around the pub between 1100hrs and 1300hrs in relation to the Annual Riding of the Marches”
- That the seasonal variation will be conditioned as follows:
- “that the appropriate TTRO and Traffic Management Plan are in place in relation to the B825 and C7 roads”.
- (6) change the layout plan to show the addition of a seasonal outside drinking area, delineated in blue on the plan, for the duration of the Annual Riding of the Marches, and
- (7) change the telephone number and wording on the description of the premises.

Baillie Buchanan left the meeting prior to consideration of the following item.

LB78. Applications for Non-Minor Variations to Premises Licences

There was submitted report (circulated) dated 23 January 2017 from the Clerk to the Licensing Board providing details of applications made in terms of s.29 of the Licensing (Scotland) Act 2005 for variations to the premises licences as detailed on Appendices 1 to 5 of the report for (1) Wellington Bar, 6 Manor Street, Falkirk; (2) Roman Bar, 470 Main Street, Camelon; (3) Artisan Tap, 7-11 Wooer Street, Falkirk; (4) Your Store, 244/244a Grahams Road, Falkirk, and (5) Café Westfield, Third Floor, Falkirk Community Stadium, Westfield, Falkirk.

Wellington Bar, 6 Manor Street, Falkirk

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 amend Specific Condition No.1 to:

“a minimum number of two door stewards must be on duty on Friday and Saturday evenings from no later than 2100hrs until the terminal hour of 0100hrs and also on Sunday evenings from 1900hrs until the terminal hour of 12 midnight. The stewards must be SIA licensed and a register of the

stewards on duty maintained at all times. All incidents dealt with by the stewards must be entered in a log book which should be made available for inspection by police or licensing standards officers at any reasonable time".

Roman Bar, 470 Main Street, Camelon

The Board **AGREED** to **CONTINUE** the application to a future meeting of the Licensing Board to allow an inspection of the premises to be carried out by Licensing Board members.

Artisan Tap, 7-11 Wooer Street, Falkirk

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) increase the approved operating hours as follows:

On Sales

Monday to Thursday	1000hrs to 2400hrs
Friday and Saturday	1000hrs to 0100hrs

Off Sales

Monday to Saturday	1000hrs to 2200hrs
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- (2) the addition of bar meals to the list of approved activities outwith approved operating hours;
- (3) the addition of films to the list of approved activities within and outwith approved operating hours;
- (4) change the parts of the premises children and young persons can access as follows:
- children and young persons admitted to all public areas but not immediately adjacent to the bar counter.
- (5) amend the layout plan to reflect the changes to the parts of the premises to which children and young persons have access.
- (6) remove Specific Conditions 3 & 11; and
3. separation barriers will be erected distinguishing the area to which children and young persons have access along with appropriate signage; and
 11. there will be designated smoking and non-smoking areas within the outdoor drinking area
- (7) amend the information relating to the activities outwith approved operating hours.

Your Store, 244/244a Grahams Road, Falkirk

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) increase the approved operating hours on a Sunday to 1000hrs to 2200hrs;
- (2) amend the Operating Plan to show the addition of the following to any other activities:
 - we are a convenience store and general store – we also sell groceries and provide post office services.
- (3) amend the layout plan to show the change of the alcohol display area; and
- (4) amend the Operating Plan to show an increase in capacity from 3.03m³ to 3.79m³.

Café Westfield, Third Floor, Falkirk Community Stadium, Westfield, Falkirk

Having heard from the applicant's representatives in respect of the application and in clarification of questions raised by members, the Board **REFUSED** the variation application in terms of s.30.01(5)(b), as the Licensing Board considered that the granting of the application would be inconsistent with one or more of the licensing objectives, namely (1) securing public safety, and (2) protecting children from harm.

LB79. Gambling Act 2005 - Statement of Licensing Principles Review

With reference to Minute of Meeting of the Licensing Board held on 16 November 2016 (paragraph LB52), there was submitted report (circulated) from the Consumer Protection Manager submitting a draft Statement of Licensing Principles for consideration by the Board for the purpose thereafter of adopting. The draft Statement of Licensing Principles was appended to the report.

The Board **AGREED** to adopt the Statement of Licensing Principles.