

Draft

FALKIRK COUNCIL

**Minute of Meeting of the Licensing Board held in the Council Chambers,
Municipal Buildings, Falkirk on Wednesday 21 June 2017 at 9.30 a.m.**

COUNCILLORS:

David Balfour
Lorna Binnie
Robert Bissett
Allyson Black
Gordon Hughes
James Kerr (Convener)
John McLuckie
John Patrick

OFFICERS:

Alison Barr, Consumer Protection Manager
Arlene Fraser, Committee Services Officer
Emily Lewis, Modern Apprentice
Colin Moodie, Chief Governance Officer (Clerk)

ALSO ATTENDING:

Thomas Ross, Licensing Standards Officer
Colin Sturrock, Building Standards Co-ordinator

LB7. Introduction

The Clerk introduced the first item of business which was to elect the Convener and Depute Convener of the Licensing Board.

LB8. Election of Convener and Depute Convener

The Board considered a report by the Clerk to the Licensing Board outlining the process for the selection of a Convener and Depute Convener.

The Clerk sought nominations for the position of Convener.

Councillor Patrick nominated Councillor Kerr.

Councillor McLuckie nominated Councillor Black.

There being two nominations, a vote was taken by roll call, with voting as follows:-

For Councillor Kerr (4) – Councillors Binnie, Hughes, Kerr and Patrick.

For Councillor Black (3) – Councillors Bissett, Black and McLuckie.

Abstain (1) – Councillor Balfour.

Councillor Kerr was duly elected Convener of Falkirk Licensing Board.

Councillor Kerr then assumed the Chair and sought nominations for the position of Depute Convener.

Councillor Kerr nominated Councillor Black.

There being no further nominations, Councillor Black was duly appointed Depute Convener of Falkirk Licensing Board.

LB9. Apologies

There were no apologies.

LB10. Declarations of Interest

Councillor Black declared a non-financial interest in item LB16, City, 8-12 Princes Street, Falkirk as she is a street pastor in Falkirk town centre.

Councillor Kerr declared a non-financial interest in item LB18, Brian Clark Memorial Hall, Burnside Terrace, Camelon. He is a member of Laurieston Lord Mountbatten Lodge No. 298, 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 this application.

Councillor McLuckie declared a non-financial interest in item LB18, Brian Clark Memorial Hall, Burnside Terrace, Camelon. 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 this application.

LB11. Minute

The minute of meeting of the Licensing Board held on 12 April 2017 was approved.

LB12. Programme of Meetings: June to December 2017

The Board considered a report by the Clerk to the Licensing Board proposing dates for meetings of the Licensing Board from June to December 2017.

Decision

The Board approved the dates for ordinary meetings to December 2017.

LB13. Licensing (Scotland) Act 2005 – Scheme of Delegation Update

The Board considered a report by the Clerk to the Licensing Board seeking approval of an amended Scheme of Delegation for the Licensing (Scotland) Act 2005. The draft Scheme was appended to the report.

Decision

The Board approved the Scheme of Delegation for its functions under the Licensing (Scotland) Act 2005.

The Board agreed to an adjournment at 9.35 a.m. and reconvened at 10.10 a.m. with all members present as per the sederunt.

LB14. Applications for Grant of Premises Licenses

The Board considered a report by the Clerk to the Licensing Board providing details of applications made for the grant of premises licences as detailed in Appendices 1 and 2 to the report for (1) Anna's Market, 43 South Street, Bo'ness; and (2) Premier Bo'ness Convenience Store, 42 Bo'mains Road, Bo'ness.

Anna's Market, 43 South Street, Bo'ness

The Board heard from the applicant and his son in respect of the application and in clarification of questions raised by members.

Decision

The Board granted the application for a premises licence.

Premier Bo'ness Convenience Store, 42 Bo'mains Road, Bo'ness

The Board heard from the applicant's representative in respect of the application and in clarification of questions raised by members.

Decision

The Board granted the application for a premises licence, with the following specific conditions:-

- (1) A CCTV system to a specification approved by the Chief Constable must be fitted and maintained in full working order at all times in accordance with guidance provided by the Information Commissioner. The system must be operational at all times the premises are open for business and images must be made available to a Licensing Standards Officer or Constable of Police Scotland on request for the purpose of the investigation and detection of crime.**
- (2) All alcohol sales must be entered through a till with a facility to print itemised sales. Any such till must have a date and time facility and must be in proper working order at all times. A print-off of relevant sales must be provided to Police or a Licensing Standards Officer for inspection at any reasonable time.**

- (3) A refusals book must be kept in a convenient location and be used by all staff with accurate recording of entries and checked and signed by the licensee/manager at regular intervals. The refusal register must be made available to Police or a Licensing Standards Officer for inspection at any reasonable time.**
- (4) A Challenge 25 Policy must be operated whereby any person who appears to be under 25 seeks to purchase alcohol, that person is required to produce identification on every occasion they seek to purchase alcohol.**

LB15. Application for Provisional Grant of a Premises Licence – The Town Bar @ Forty Six, 46 South Street, Bo'ness

Decision

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

In accordance with her earlier declaration, Councillor Black left the meeting prior to consideration of the following item.

LB16. City, 8-12 Princes Street, Falkirk

The Board considered a report by the Clerk to the Licensing Board regarding an application for a non-minor variation to the premises licence for City, 8-12 Princes Street, Falkirk. The application had been continued at two previous meetings of the Board on 14 March and 12 April 2017.

The Board noted that an objection had been received from the Chief Constable, Police Scotland, in respect of the application.

The applicant's representative, Mr MacIver, advised that he had no preliminary matters concerning the validity of the objection. Accordingly, a copy of the objection was circulated to members.

Mr MacIver was heard in support of the application.

Sergeant White, Police Scotland was heard in relation to the letter of objection.

The Board then heard from Alex Finlay, Falkirk BID on the taxi marshalling service.

Mr MacIver and the applicant were heard in response to questions from members in relation to the application and in clarification to issues raised in the letter of objection.

Chief Inspector Armstrong, Police Scotland was then heard in response to questions from members.

Both parties summed up.

The Board agreed to an adjournment at 12.05 p.m. and reconvened at 12.30 p.m. with all members present as per the sederunt, with the exception of Councillor Black.

Decision

The Board:-

- (1) refused the variation application in terms of s.30(5)(b), as they considered that the granting of the application would be inconsistent with one or more of the licensing objectives, namely (1) preventing crime and disorder; (2) securing public safety, and (3) preventing public nuisance; and**
- (2) agreed to the request by the applicant's representative for a direction in terms of s.32(3)(a).**

Councillor Black re-joined the meeting.

LB17. Applications for Non Minor Variations to Premises Licences

The Board considered a report by 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 and 2 to the report for (1) Storm Nightclub, Meadow Street, Falkirk; and (2) Bainsford Bowling Club, Hendry Street, Bainsford.

Storm Nightclub, Meadow Street, Falkirk

The Board noted that a representation had been received from the Chief Constable, Police Scotland, in respect of the application. A copy of the representation was circulated to members.

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

Decision

The Board granted the following variations to the current licence, namely to:-

- (1) vary the terms and times under which children and young persons will be allowed entry, as follows:**
 - with the exception of under 18's discos, children and young persons will only be permitted on the premises if accompanied by a parent or responsible adult. No children or young persons will be permitted on the premises within core hours other than to attend a private function. There will be no private functions within core hours when the premises are open to the public. All private functions will finish not later than 2400hrs.**

Children aged 14 years and over and young persons are permitted to attend under 18's discos unaccompanied;

- **Children and young persons must vacate the premises by 2400hrs when attending a private function. Children aged 14 years and over and young persons must vacate the premises by 2200hrs when attending an under 18's disco.**

The Board also imposed the following conditions to the current licence, namely:-

- (1) Any bar to be opened will be open for the sale of soft drinks only and all alcohol and alcohol paraphernalia will be covered over and is not visible or accessible to those in attendance.**
- (2) There will be no visible promotions of any kind for alcohol and any advertisement will be removed/covered from all accessible areas within the club.**
- (3) There will be at least one hour between the finish of the under 18's disco and the start of any adult event to allow for the dispersal of children and young persons from the area.**
- (4) Stewarding must be in place to the ratio of 1:50 (persons). Persons engaged in such duties must be registered as door stewards with the Security Industry Authority and must have their authorisation badges clearly displayed.**
- (5) A written management policy should be completed and agreed by Police Scotland Licensing Team and kept under review detailing measures put in place to address the following points:**
 - **procedures in dealing with children and young persons who attend under the influence of alcohol/drugs**
 - **procedures should an ejection from the premises be necessary**
 - **age verification procedures**
 - **search procedures**
 - **dispersal procedures**
- (6) A person trained in administering first aid must be present on the premises throughout any under 18's disco event.**

Bainsford Bowling Club, Hendry Street, Bainsford

Decision

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

In accordance with their earlier declarations, Councillors Kerr and McLuckie left the meeting prior to consideration of the following item.

Councillor Black, Depute Convener, assumed the Chair.

LB18. Occasional Licence Applications - Brian Clark Memorial Hall

The Board considered a report by the Clerk to the Licensing Board providing details of two applications made in terms of s.56 of the Licensing (Scotland) Act 2005 and the consultations undertaken for these occasional licences.

It was noted that an objection had been lodged against the grant of the applications, but that the objector was not in attendance.

The applicant confirmed that he was in receipt of a copy of the objection and had no concerns to this being circulated to members. Accordingly, the objection was circulated to members.

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

Colin Sturrock, Building Standards Co-ordinator confirmed to the Board that an Acceptance of Completion Certificate had now been issued for the works previously carried out at the premises.

The applicant was then heard in support of his applications.

The Board agreed to an adjournment at 1.10 p.m. and reconvened at 1.20 p.m. with all members present as per the sederunt, with the exception of Councillors Kerr and McLuckie.

Decision

The Board granted the following occasional licences:-

- (1) Sunday 25 June 2017 - 1230hrs to 2000 hrs**
- (2) Monday 26 June 2017 - 1900hrs to 12 midnight**

Councillors Kerr and McLuckie re-joined the meeting with Councillor Kerr, Convener, assuming the Chair.

LB19. Personal Licence Application

The Board considered a report by the Clerk to the Licensing Board providing details of an application for a Personal Licence submitted in terms of s.72 of the Licensing (Scotland) Act 2005.

The Board heard from the applicant's representative and the applicant in support of her application and in clarification of questions raised by members.

The Board agreed to an adjournment at 1.40 p.m. and reconvened at 1.45 p.m. with all members present as per the sederunt.

Decision

The Board granted the application for a personal licence.

**LB20. The Licensing (Fees) Scotland Regulations 2007
Premises Licences – Annual Fees
Statutory Annual Income and Expenditure Report 2016/17**

The Board considered a report by the Consumer Protection Manager providing details of the income and expenditure of the Board for 2016/17, and proposing the annual fee levels for premises licences, which were set out in appendix 1.

The report also sought approval of the proposed Statutory Annual Income and Expenditure report 2016/17 which was set out in appendix 2.

Decision

The Board agreed to:-

- (1) note the contents of the report;**
- (2) adopt the premises licences annual fee levels proposed in appendix 1, and**
- (3) approve the Statutory Annual Income and Expenditure report 2016/17 proposed in appendix 2.**