

**FALKIRK COUNCIL**

**Minute of Meeting of the Licensing Board held in the Council Chambers,  
Municipal Buildings, Falkirk on Wednesday 9 August 2017 at 9.30 a.m.**

**COUNCILLORS:**

Lorna Binnie  
Allyson Black  
William Buchanan  
Gordon Hughes  
James Kerr (Convener)  
John McLuckie  
John Patrick  
Depute Provost Ann Ritchie

**OFFICERS:**

Alison Barr, Consumer Protection Manager  
Arlene Fraser, Committee Services Officer  
Christine Henderson, Licensing Assistant  
Colin Moodie, Chief Governance Officer (Clerk)

**ALSO ATTENDING:**

Sergeant White, Police Scotland  
PC Hutchison, Police Scotland

**LB21. Apologies**

Apologies were intimated on behalf of Councillors Balfour and Bissett.

**LB22. Declarations of Interest**

No declarations were intimated.

**LB23. Minute**

The minute of meeting of the Licensing Board held on 21 June 2017 was approved.

**LB24. Application for Provisional Grant of a Premises Licence – The Town Bar @ Forty Six, 46 South Street, Bo'ness**

The Board considered a report by the Clerk to the Licensing Board providing details of an application for provisional grant of a premises licence. The application had been continued from the last Board meeting to allow members to visit the premises, which took place on 2 August.

The Board noted that three objections had been submitted. One objection

was in the form of a petition and one objection had been submitted late.

The three objectors, namely Ms S Murray, Ms J M Paterson and Mr R O'Donovan, were in attendance.

Ms Murray, Chairperson, Bo'ness Tenants and Residents Association, was heard in relation to the reason why the objection had been received outwith the statutory time period for objections.

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

The three objectors were each heard in support of their objections and in clarification of questions raised by members.

The applicant's agent was heard in relation to his client's application. The applicant and his agent were then heard in response to questions from members in relation to the application and in clarification of issues raised in the letters of objections.

The applicant's agent, having heard that the proposed extended hours in the operating plan did not reflect the Board's policy, modified the plan to reflect the terms of the policy.

The objectors and the applicant's agent summed up.

The Board agreed to an adjournment at 10.40 a.m. and reconvened at 11.00 a.m. with all members present as per the sederunt.

## **Decision**

### **The Board:-**

- (1) granted the application for provisional premises licence, and attached the following 2 conditions thereto, namely that:-**
  - (a) live music will cease one hour before the terminal hour; and**
  - (b) a delineated designated smoking area be identified to the front of the area adjacent to the left of the premises; that appropriate signage and smoking receptacles be in place, all to the satisfaction of Licensing Standards Officer.**
- (2) noted the following undertaking by the applicant:-**
  - staff and patrons will be asked to be mindful of residents living within the vicinity of the premises.**

**LB25. Application for Non Minor Variation to Premises Licence – Bainsford Bowling Club, Hendry Street, Bainsford**

The Board considered a report by the Clerk to the Licensing Board providing details of an application for non minor variation. The application was continued from the last Board meeting to allow members to visit the premises, which took place on 2 August.

The Board heard from Mr Russell, representative for the applicant club in respect of the application and in clarification of questions raised by members. Mr Russell referred to the request in the variation application to remove the terminal hour for outdoor drinking from the Operating Plan. He advised that his had been an error and wished to withdraw this part of the variation request.

**Decision**

**The Board:-**

**(1) granted the following variations to the current licence, namely:-**

**(a) to remove the different summer and winter hours and replace with the following operating hours:-**

|                            |                             |
|----------------------------|-----------------------------|
| <b>Monday to Thursday</b>  | <b>1000 hrs to 2400 hrs</b> |
| <b>Friday and Saturday</b> | <b>1000 hrs to 0100 hrs</b> |
| <b>Sunday</b>              | <b>1000 hrs to 2200 hrs</b> |

**(b) to remove the seasonal variation;**

**(c) to the addition of conference facilities, restaurant facilities and bar meals to the approved activities within and outwith operating hours;**

**(d) to the addition of recorded music, live performances, dance facilities and televised sports to the list of approved activities outwith operating hours;**

**(e) to remove “No 21<sup>st</sup> birthday parties will be held on the premises” from the Operating Plan;**

**(f) to the addition of fitness classes (keep fit), band practice, children’s parties and no 18<sup>th</sup> birthday parties to the list of any other activities, and**

**(g) to change the access and times for children and young persons as follows:-**

**(i) children and young persons will be allowed entry when accompanied by an adult and when attending a function or**

**when either spectating or participating in bowling games;**

**(ii) children and young persons will be allowed entry from opening until the terminal hour when attending a function. To the end of bowling games when playing or spectating; and**

**(iii) children and young persons will be allowed entry to all public areas. When attending a function, children and young persons will not be allowed access to the perimeter of the bowling green after 2200 hrs.**

**(2) noted the undertaking given by the applicant that a barrier will be in place between the designated smoking area and the outdoor drinking area by end August 2017.**

#### **LB26. 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) The Dundas, 3-7 La Porte Precinct, Grangemouth; and (2) Hollandbush Supersave Licensed Grocers, Hollandbush Avenue, Banknock.

##### **The Dundas, 3-7 La Porte Precinct, Grangemouth**

The Board heard from Ms Loudon, agent for 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:-**

**(1) to increase the approved Sunday operating hours as follows:-**

**On Sales – 1000 hrs to 2400 hrs  
Off Sales – 1000 hrs to 2200 hrs**

**(2) to the addition of the following seasonal variation:-**

**“Additional hours which may be available in terms of the Board’s statement of licensing policy including the festive season”.**

**(3) the addition of outdoor drinking within operating hours to the list of approved activities. The terminal hour for the outdoor drinking area will be 2200 hrs;**

**(4) to change the access and times for children and young persons as follows:-**

- (a) children and young persons will be allowed access to the outdoor area and lower area of the premises marked as children and young persons area on the layout plan with access to and egress from the toilets.
- (5) to approve the new layout plan showing the outdoor drinking area with access for children and young persons.

**Hollandbush Supersave Licensed Grocers, Hollandbush Avenue, Banknock**

The Board heard from Mr Paton, representative for the applicant in respect of the application and in clarification of questions raised by members.

**Decision**

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

- (1) to amend the operating plan and layout plan to reflect the increase in capacity of the approved accessible alcohol display area from 5.32m<sup>3</sup> to 6.71m<sup>3</sup>.

**LB27. 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 in support of his application and in clarification of questions raised by members.

**Decision**

**The Board granted the application for a personal licence.**

**LB28. Statement of Licensing Board Policy – Working Group**

The Board considered a report by the Consumer Protection Manager seeking approval for the creation of a working group to review the Statement of Licensing Board policy.

**Decision**

**The Board agreed to establish a working group of 4 members to review the Statement of Licensing policy.**