

FALKIRK COUNCIL

**Minute of Meeting of the Licensing Board held in the Council Chambers,
Municipal Buildings, Falkirk on Wednesday 18 October 2017 at 9.30 a.m.**

COUNCILLORS:

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

OFFICERS:

Louise Burgess, Licensing Assistant
Arlene Fraser, Committee Services Officer
Lynn McGarva, Licensing Officer
Colin Moodie, Chief Governance Officer (Clerk)

ALSO ATTENDING:

Chief Inspector Damian Armstrong, Police Scotland
PC Gordon Hutchison, Police Scotland
Sergeant Claire Mackenzie, Police Scotland
PC Bryan Mackie, Police Scotland
Stuart Murray, Trainee Governance Assistant
Thomas Ross, Licensing Standards Officer

LB35. Apology

An apology was intimated on behalf of Depute Provost Ann Ritchie.

LB36. Declarations of Interest

Councillor McLuckie also declared a non-financial interest in item LB42(a), 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.

Councillor Kerr declared a non-financial interest in item LB42(a), Brian Clark Memorial Hall, Burnside Terrace, Camelon. He is a member of Laurieston Lord Mountbatten Lodge No. 298 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.

Councillor Binnie declared a non-financial interest in item LB42(b), Sponsors Lounge within Camelon Juniors Football Ground Pavillion, Fairlie Street, Camelon, as family members were associated with Camelon Juniors Football Club, and stated that she would take no part in the decision making on this application.

LB37. Minute

The minute of meeting of the Licensing Board held on 6 September 2017 was approved.

LB38. Presentation on the Operation of CCTV on Licensed Premises

PC Bryan Mackie, Police Scotland presented the Licensing Board with a short overview of the operation of CCTV on licensed premises.

The Board thanked PC Mackie for his informative presentation.

LB39. Chief Constable's Report for 1 April 2016 to 31 March 2017

The Board considered a report from the Clerk to the Board which set out the duty of the Chief Constable to send an annual report to each Licensing Board in Scotland in respect of the policing of the Licensing (Scotland) Act 2005 in the Board's area and any work undertaken in preventing the sale or supply of alcohol to those under 18 years. The Chief Constable's report was attached as an appendix to the report.

The Chief Constable's report summarised the work carried out by Police Scotland on a national scale and in the Falkirk Area Command area during the period 1 April 2016 to 31 March 2017.

The Board **NOTED** the report.

**LB40. Application for Extended Hours
City, 8-12 Princes Street, Falkirk**

The Board considered a report 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 as detailed in Appendix 1 to the report.

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

Decision

The Board granted the extended hours application for an additional one hour from 0300 hrs to 0400 hrs on 29 October 2017.

**LB41. Application for Non Minor Variation to Premises Licence
Keystore Polmont, Unit 1, Salmon Inn Road, Polmont**

The Board considered a report from the Clerk to the Licensing Board providing details of an application made in terms of section 29 of the Licensing (Scotland) Act 2005 for variations to the premises licence at Keystore Polmont, Unit 1, Salmon Inn Road, Polmont.

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) increase the approved Sunday off-sales operating hours to:
1000 hrs to 2200 hrs;**
- (2) the addition of recorded music within and outwith core operating hours to the list of approved activities;**
- (3) the addition of a hot and cold food counter to the list of other activities, and**
- (4) note for information, that the applicant is changing the layout of the alcohol display area which will result in a reduction in capacity.**

LB42. Applications for Occasional Licences

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

Councillor Black, Depute Convener, assumed the Chair.

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

The Board considered a report by the Clerk to the Licensing Board providing details of applications made in terms of section 56 of the Licensing (Scotland) Act 2005 for occasional licences as detailed in Appendix 1 to the report for Brian Clark Memorial Hall, Burnside Terrace, Camelon.

It was noted that an objection had been lodged against the grant of the applications, and that the objector, Mr D Malley was in attendance.

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

The Board heard from Mr Malley in relation to his letter of objection.

Sergeant Mackenzie, Police Scotland was heard in clarification to a matter referred to in the letter of objection.

Mr Malley was heard in response to questions raised by members.

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

The Board then heard from the Licensing Standards Officer.

The objector and applicant's agent then summed up.

The Board agreed to an adjournment at 11.15 a.m. and reconvened at 11.35 a.m. with all members present as per the sederunt, with the exception of Councillors Kerr and McLuckie.

Decision

The Board agreed to:-

(1) grant the following occasional licences:-

Saturday 4 November from 1830 hrs until 0030 hrs on Sunday 5 November 2017

Saturday 11 November from 1900 hrs until 0030 hrs on Sunday 12 November 2017

(2) impose the following additional conditions to the occasional licences, namely:-

**“the events are to be stewarded by a minimum of 4 stewards.
Noise levels are to be minimised by:**

- keeping the windows adjacent to 41 Burnside Terrace closed, and**
- the supervision of guests when leaving the function and when outside the premises to smoke”.**

(3) to continue consideration of the occasional licence for the proposed event on 9/10 December 2017, until the next meeting of the Licensing Board.

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

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

**(b) Sponsors Lounge within Camelon Juniors Football Ground
Pavillion, Fairlie Street, Camelon**

The Board considered a report by the Clerk to the Licensing Board providing details of applications made in terms of section 56 of the Licensing (Scotland) Act 2005 for occasional licences as detailed on Appendix 2 to the report for the Sponsors Lounge within Camelon Juniors Football Ground Pavillion, Fairlie Street, Camelon.

It was noted that an objection had been lodged against the grant of the applications, and that the objector, Mrs B Campbell, accompanied by Ms C Ferguson and Ms M Paterson, was in attendance.

There being no preliminary matters concerning the validity of the objection, a copy of the objection was circulated to members.

The Board heard from Mrs Campbell in relation to her letter of objection.

Mrs Campbell was heard in response to questions raised by members.

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

The Board then heard from the Licensing Standards Officer.

The objector and applicant's agent then summed up.

The Board agreed to an adjournment at 12.10 p.m. and reconvened at 12.35 p.m. with all members present as per the sederunt, with the exception of Councillor Binnie.

Decision

The Board agreed to:-

(1) grant the following occasional licences:-

Saturday 21 October – 1200 hrs to 1800 hrs

Saturday 28 October – 1200 hrs to 1800 hrs

(2) carry out an inspection of the premises prior to the next Licensing Board meeting.

The Board agreed to an adjournment at 12.40 p.m. and reconvened at 1.20 p.m. with all members present as per the sederunt.

LB43. Personal Licence Review – Helena Wotherspoon

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 noted that the applicant, Helena Wotherspoon was not in attendance.

Decision

The Board agreed to continue the matter to the next meeting of the Board to allow the applicant to be in attendance.

LB34. Premises Licence Review – Aniel Bros Stores, 5 Northfield Road, Denny

With reference to Minute of Meeting of the Licensing Board held on 6 September 2017 (Paragraph LB34 refers), the Board considered a report by the Clerk to the Licensing Board providing details of the premises licence review process in terms of section 36 of the Licensing (Scotland) Act 2005.

The Board noted that Samina Sadiq, premises licence holder was in attendance.

The Licensing Standards Officer was heard in relation to the matters set out in his premises licence review application, which was requested under section 36(3) (a) – that one or more of the licensing conditions to which the premises licence is subject has been breached; and section 36(3) (b) – any other ground relevant to one or more of the licensing objectives.

The Licensing Standards Officer was heard in response to questions raised by members.

Samina Sadiq was invited to respond to the concerns raised in the premises licence review. Ms Sadiq advised that she wished to have a letter from her solicitor circulated to members which addressed the concerns raised by the Licensing Standards Officer. Accordingly, copies of the letter were circulated.

Ms Sadiq was heard in response to the concerns and in clarification to questions raised by members.

The Board then heard from Sergeant Mackenzie, Police Scotland.

The Licensing Standards Officer and the premises licence holder then summed up.

The Board agreed to an adjournment at 2.30 p.m. and reconvened at 2.55 p.m. with all members present as per the sederunt.

Decision

- (1) the Board was satisfied that grounds for review had been established in terms of Section 36(3)(a) and (b) of the Licensing (Scotland) Act in that;**
 - (i) the conditions referred to in the Section 14 Notice had been breached; and**
 - (ii) that grounds for review had been satisfied relevant to the following licensing objectives:-**
 - Preventing crime and disorder**
 - Securing public safety**
 - Preventing public nuisance**
 - Protecting children and young persons from harm; and**
- (2) in terms of section 39(2) of the Act, the Board decided to revoke the licence as it considered this was necessary and appropriate for the purposes of the foregoing licensing objectives.**

LB35. Falkirk Council Licensing Board Sub Group

The Board considered a note of meeting of the Licensing Board Sub Group held on 11 October 2017, which set out the work undertaken by the group and setting out action points for taking forward.

Decision

The Board noted the update of the Licensing Board Sub Group.

LB36. Dates of Licensing Board Meetings

The Board considered a report by the Clerk presenting a draft timetable of Licensing Board meetings in 2018.

Decision

The Board agreed the dates of ordinary meetings in 2018.