

FALKIRK COUNCIL

Minute of Meeting of the Licensing Board held in the Council Chambers, Municipal Buildings, Falkirk on Wednesday 5 September 2018 at 9.30 a.m.

COUNCILLORS:

David Balfour
Lorna Binnie
Robert Bissett
Allyson Black
Provost William Buchanan
Niall Coleman
James Kerr (Convener)
John McLuckie
Depute Provost Ann Ritchie

OFFICERS:

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

ALSO ATTENDING:

Lindsay Fyfe, Licensing Standards Officer
PC G Hutchison, Police Scotland
Sergeant C Mackenzie, Police Scotland

LB30. Apologies

An apology was intimated on behalf of Councillor Patrick.

LB31. Declarations of Interest

There were no declarations of interest.

LB32. Minute

The minute of meeting of the Licensing Board held on 8 August 2018 was approved.

LB33. Application for Provisional Grant of a Premises Licence – Co-op, Carron Centre, Ronades Road, Carron

The Board considered a report by the Clerk to the Licensing Board providing details on an application for the provisional grant of a premises licence.

The Board heard from the applicant's representative in respect of the application.

Decision

The Board granted the provisional premises licence.

LB34. Personal Licence Application – Hearing (Mr M)

The Board considered a report by the Clerk to the Licensing Board providing details on an application for the grant of a personal licence.

A notice had been submitted by the Chief Constable in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005 recommending refusal of the application and, where such a notice is received, the Board must hold a hearing for the purpose of determining the application.

The Board heard from Sergeant Mackenzie, Police Scotland.

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

Both parties summed up.

The Board agreed to an adjournment at 10.10 a.m. and reconvened at 10.30 a.m. with all members present as per the sederunt.

Decision

The Board refused the application for a personal licence on the grounds that it was satisfied that the applicant was not a fit and proper person to be the holder of such a licence having regard to the licensing objectives, with particular reference to that of preventing crime and disorder.

LB35. Personal Licence – Notification of Conviction (Ms T)

The Board considered a report by the Clerk to the Licensing Board providing details of a notification of conviction submitted by a personal licence holder.

The Board heard from the personal licence holder and in clarification of questions raised by members.

The Board then heard from Sergeant Mackenzie, Police Scotland.

The Board agreed to an adjournment at 10.45 a.m. and reconvened at 11.00 a.m. with all members present as per the sederunt.

Councillor Kerr, seconded by Councillor McLuckie moved to take no further action.

By way of an amendment, Councillor Coleman, seconded by Councillor Black moved that it was necessary for the purposes of the licensing objective of preventing crime and disorder, to make an Order in terms of Section 84(7) to endorse the personal licence.

The vote was taken by roll call, there being 9 members present with voting as undernoted:-

For the motion (5) – Provost Buchanan; Depute Provost Ritchie; Councillors Bissett, Kerr and McLuckie.

For the amendment (4) – Councillors Black, Balfour, Binnie and Coleman.

Decision

The Board agreed the motion.

LB36. Statement of Licensing Policy

The Board considered a report by the Consumer Protection Manager which summarised a number of proposed changes to the current policy and provided, as an appendix, the draft revised Statement of Licensing Policy for the purpose of issuing it for consultation.

Information was also provided in relation to overprovision and the ongoing collation of evidence and statistics and that this be published as a supplementary Statement of Licensing Policy early next year.

Decision

The Board:-

- (1) noted the contents of the report.**
- (2) agreed that the proposed Statement of Licensing Policy be issued for consultation.**