

FALKIRK COUNCIL

MINUTE of QUARTERLY MEETING of the LICENSING BOARD held in the DISTRICT COURT ROOM, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 16 JANUARY 2008 at 10.00 am.

PRESENT: Provost Reid; Depute Provost Black; Councillors Hughes, Kenna, McLuckie, Nimmo, Thomson and Waddell.

CONVENER: Provost Reid.

APOLOGIES: Councillors McNally and Nicol.

ATTENDING: Clerk; Consumer Protection Manager; Solicitor (P Gilmour); Licensing Co-ordinator (R Watson); Senior Licensing Assistant (L McGarva); Environmental Health Officer (S Henderson) and Committee Services Officer (B Douglas).

ALSO

ATTENDING: Station Manager Ticehurst, Central Scotland Fire and Rescue Service; Superintendent McGregor and Sergeant Simpson, Central Scotland Police.

SECTION A

1. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of the Quarterly Meeting of the Licensing Board held on 24 October 2007;
- (b) Minute of the Adjourned Meeting of the Licensing Board held on 21 November 2007;
- (c) Minute of the Special Meeting of the Licensing Board held on 28 November 2007; and
- (d) Minute of the Further Adjourned Meeting of the Licensing Board held on 19 December 2007.

2. LICENSING (SCOTLAND) ACT 2005 – TRANSITIONAL ARRANGEMENT

There was submitted Report (circulated) dated 15 January 2008 by the Clerk (1) advising that the transitional period relative to the coming into effect of the Licensing (Scotland) Act 2005 will commence on 1 February 2008; and (2) suggesting that, in terms of powers available to it through the statement of Licensing Policy, that a formally established sub committee of the Board be established to concentrate on transitional arrangements.

AGREED:-

- (i) to adopt the fee levels for premises set out in regulation 6 (1) of the Licensing (Fee) (Scotland) Regulations 2007 and not to exercise the Board's discretion at this time under regulation 6 (2);
- (ii) that a sub committee of the Board consisting of Provost Reid, Councillor Nicol and Councillor Kenna be established with powers to determine those matters referred to in paragraph 1.2 of the report and any such other matters as may be remitted to it by the Board from time to time;
- (iii) that any other similar administrative matters arising from the transitional phase implementation of the Licensing (Scotland) Act 2005 be remitted to the Sub-Committee for determination; and
- (iv) to note that a Report on trading hours will be presented to the Board at a future meeting for determination following on from a brief consultation exercise with interested parties within the licensed trade.

SECTION B

APPLICATIONS MADE UNDER THE GAMBLING ACT 2005

1. Applications for Premises Licences

The Board **GRANTED** the applications for premises licences as detailed below:-

- 1.1 **Ladbrokes, Block D, Unit 6B, Stenhousemuir Town Centre, Stenhousemuir**
- 1.2 **Betfred, 36 Manor Street, Falkirk**

SECTION C

UNDER THE LICENSING (SCOTLAND) ACT 1976 (as amended) and THE LAW REFORM (MISCELLANEOUS PROVISIONS) (SCOTLAND) ACT 1990

1. Applications for the Renewal of Existing Licences

The Board **GRANTED** the applications as detailed below in paragraph (a) and reached the decisions shown on those items detailed in paragraph (b) below:-

(a)

- Item 1.1 Bannatyne's Health Club, Unit 10, Central Retail Park, Falkirk**
- Item 1.2 Cinema Complex, Central Retail Park, Falkirk**
- Item 1.3 Antonine Hotel, Manor Street, Falkirk**
- Item 1.4 Glenskirlie Castle, Kilsyth Road, Banknock**
- Item 1.5 Cowden Bonnybridge Ltd, 88 Main Street, Bonnybridge**
- Item 1.8 Sami Convenience Store, 26 Cadzow Avenue, Bo'ness**

Item 1.9 Saji Superstore, Station Road, Whitecross
Item 1.10 Tesco Store, Callendar Road, Falkirk
Item 1.11 The Corner Shop, 98 Hamilton Street, Camelon
Item 1.13 Goose on Newmarket, Newmarket Street/Lint Riggs, Falkirk
Item 1.14 Martyn's Restaurant, 61 Mary Street, Laurieston
Item 1.15 The Visitor Centre, The Falkirk Wheel, Falkirk Interchange, Tamfourhill
Item 1.16 Sumo Noodle Café, 4/6 Melville Street, Falkirk

(b)

Item 1.6 Maddiston Post Office, Main Street, Maddiston

Having heard the applicant explain the reasons for the lateness of the application, the Board **AGREED** to continue the matter to the Adjourned Meeting of the Licensing Board.

Item 1.7 R K Store, 120 Haugh Street, Bainsford

In view of the absence of a training certificate, the Board **AGREED** to continue the matter to the Adjourned Meeting of the Licensing Board.

Item 1.12 Elphinstone Inn, High Street, Airth

Having heard Station Manager Ticehurst explain that fire issues remained outstanding; including no fire risk assessment or testing of equipment, the Board **AGREED** to continue the matter to the Adjourned Meeting of the Licensing Board.

Late Application – Item 1.17 Premier Store, 139 Main Street, Shieldhill

Having heard the applicant's agent Mrs Hamilton, explain the reasons for the lateness of the application, the Board **AGREED** to continue the matter to the adjourned meeting of the Licensing Board.

2. Applications for Affirmation of Provisional Licences

Item 2.1 Vicar Street, No. 43, Falkirk

At the request of Mrs Hamilton, the applicant's agent, the Board **AGREED** to continue the matter to the adjourned meeting of the Licensing Board.

3. Applications for the Permanent Transfer of Licences

The Board **GRANTED** the Permanent Transfer of Licences detailed in paragraph (a) below and reached the decisions shown on those detailed in paragraph (b) below:-

(a)

Item 3.2 Park Lodge Hotel, Camelon Road, Falkirk
Item 3.3 A-Z Stores, 63 Easton Drive, Shieldhill
Item 3.4 Carronvale Service Station, 263 Main Street, Larbert

Item 3.6 Maggiewoods Loan, No.23, Falkirk
Item 3.7 Refinery Connect, Bo'ness Road, Grangemouth
Item 3.8 Sami Convenience Store, 26 Cadzow Avenue, Bo'ness
Item 3.9 Cadger's Brae, Klandyke Garden Centre, Polmont
Item 3.10 Cheyne's Bar, 29 Main Street, Bainsford
Item 3.11 Kincardine Way, Haughs of Airth, Falkirk
Item 3.12 Masonic Arms, Glasgow Road, Longcroft
Item 3.13 Roman Bar, 470 Main Street, Camelon
Item 3.14 St Laurence Bar, Main Street, Slamannan
Item 3.15 The Rumford Arms, Maddiston Road, Rumford

(b)

Item 3.1 The Frat House, 31 Manor Street, Falkirk

The applicant was not in attendance despite being cited to attend.

The Clerk advised that a letter of observation had been received from Central Scotland Police.

Copies of the letter of observation were then circulated to members.

Superintendent Macgregor was heard in relation to the Chief Constable's letter of observation.

The Clerk outlined the options available to the Board members.

The Board **AGREED** to decline to consider the matter.

Item 3.5 M&M Stores, 7 Kings Road, Grangemouth

The applicant was not in attendance despite being cited to attend.

The Clerk advised that a police letter of objection had been received.

Copies of the police letter of objection were then circulated to Members.

Superintendent MacGregor was heard in relation to the Chief Constable's letter of objection.

The Board **AGREED** to adjourn for a short period.

On reconvening, questions were asked of Superintendent MacGregor by Members.

The Board unanimously **AGREED** that the application for the permanent transfer of a licence be **REFUSED** on the grounds that the applicant is not a fit and proper person to be the holder of a licence in terms of Section 17 (i) (a) of the Licensing (Scotland) Act 1976.

4. Applications for Confirmation of Transfer

The Board **GRANTED** the applications for confirmation of transfer as detailed below:-

- Item 4.1 Iceland Frozen Foods, C5 & C6 Callendar Square, Falkirk
- Item 4.2 Iceland Frozen Foods, 2 York Square, Grangemouth
- Item 4.3 Iceland Frozen Foods, 2 Cruickshank Court, Denny
- Item 4.4 Lidl, 11 Arnot Street, Falkirk
- Item 4.5 Lidl Ltd, Carron Centre, Ronades Road, Falkirk
- Item 4.6 Tesco Store, Callendar Road, Falkirk
- Item 4.7 Tesco Store, Talbot Street, Grangemouth
- Item 4.8 Cadger's Brae, Klondyke Garden Centre, Polmont
- Item 4.9 Passage to India, Underwood Lockhouse, Lock 17, Allandale, By Bonnybridge

5. Application for Consent to Alterations

- Item 5.1 Bluebell Inn, 83 Main Street, Bainsford

AGREED to continue the matter to the Adjourned Board to enable Officers to inspect the premises.

6. Applications for Regular Extension of Permitted Hours

The Board **GRANTED** the applications for Regular Extension of Permitted Hours as detailed in paragraph (a) and reached the decisions shown on those items detailed in paragraph (b) below:-

(a)

- Item 6.2 Cinema Complex, Central Retail Park, Falkirk
- Item 6.3 Falkirk Town Hall, West Bridge Street, Falkirk
- Item 6.4 Premier Snooker Club, 18-20 Graham's Road, Falkirk
- Item 6.5 Storm Nightclub, Meadow Street, Falkirk
- Item 6.6 Antonine Hotel, Manor Street, Falkirk
- Item 6.7 Bowhouse Hotel, Bowhouse Road, Grangemouth
- Item 6.8 Glenskirnie Castle, Kilsyth Road, Banknock
- Item 6.9 Graeme Hotel, 40 Grahams Road, Falkirk
- Item 6.10 Grange Manor Hotel, Glensburgh Road, Grangemouth
- Item 6.11 Hotel Cladhan, Kemper Avenue, Falkirk
- Item 6.12 Leapark Hotel, 130 Bo'ness Road, Grangemouth
- Item 6.13 Oxbang House Hotel, Oxbang Road, Grangemouth
- Item 6.14 Plough Hotel, 507 Main Street, Stenhousemuir
- Item 6.15 Railway Hotel, 2 Broad Street, Denny
- Item 6.16 The Richmond Park Hotel, 20 Linlithgow Road, Bo'ness
- Item 6.17 189 Bar, Airth Community Hall, Main Street, Airth
- Item 6.19 Bridge Inn, Linlithgow Bridge, Linlithgow
- Item 6.20 Brightons Inn, Waggon Road, Brightons

Item 6.21 Callendar Arms, 1 Callendar Road, Falkirk
 Item 6.22 Canal Inn, Canal Street, Camelon
 Item 6.23 Carronshore Bar, Carronshore Road, Carron
 Item 6.24 Copper Top, 2 Dorrator Road, Camelon
 Item 6.25 Crosskeys Inn, 81 North Street, Bo'ness
 Item 6.26 Fratellis on the Canal, Burnbank Road, Bainsford
 Item 6.28 Hollandbush Inn, 192 Kilsyth Road, Banknock
 Item 6.29 Housemill Inn, Woodyett Farm, Falkirk Road, Denny
 Item 6.30 Hurlett, 1 Carradale Avenue, Tamfourhill
 Item 6.33 Pennies Ground Floor, Forth Complex, Grangemouth Road, Falkirk
 Item 6.34 Railway Inn, 27 Glasgow Road, Dennyloanhead
 Item 6.35 Railway Tavern, 7/9 Grahams Road, Falkirk
 Item 6.36 Rialto, 28 Vicar Street, Falkirk
 Item 6.37 The Edge, 18 Grahams Road, Falkirk
 Item 6.38 The Tavern, Kilsyth Road, Haggs
 Item 6.40 Wheatscheaf Inn, 16 Baxter's Wynd, Falkirk
 Item 6.41 Woodside Inn, 76 High Station Road, Falkirk
 Item 6.42 Yang Sing, 43 Union Road, Camelon
 Item 6.43 Allandale Bowling Club, Thorndale Gardens, Allandale, Bonnybridge
 Item 6.44 Bainsford Area Bowling Club, David's Loan, Bainsford
 Item 6.45 Camelon Bowling Club, Main Street, Camelon
 Item 6.46 Camelon Junior FC Social Club, Falkirk Drive, Camelon
 Item 6.47 Carron & Carronshore Bowling Club, 25 Beaumont Drive, Carron
 Item 6.48 Carronshore Social Club, Bothkenner Road, Carronshore
 Item 6.49 Casting's Community Sports and Social Club, Etha Road, Falkirk
 Item 6.50 Denny Bowling Club, Stirling Street, Denny
 Item 6.51 Falkirk Golf Club, 136 Stirling Road, Camelon
 Item 6.52 Grangemouth Bowling Club, Talbot Street, Grangemouth
 Item 6.53 Lodge Carron No.139, 234 Main Street, Stenhousemuir
 Item 6.54 Lodge Polmont No.793, Masonic Hall, 14 Maddiston Road, Brightons
 Item 6.55 Lodge St John Falkirk No.16, 200 Grahams Road, Falkirk
 Item 6.56 Polmont Bowling Club, Station Road, Polmont
 Item 6.57 St May's Social Club, Linlithgow Road, Bo'ness
 Item 6.58 Stenhousemuir Cricket Club, The Tryst, Tryst Road, Stenhousemuir

(b)

Item 6.31 Mill Inn, 2 Thornhill Road, Falkirk

The Board **AGREED** that consideration of the application be continued to the adjourned meeting of the Licensing Board to allow an inspection of the premises by members.

Item 6.32 Millfield, Main Street, Polmont

The Board **AGREED** that consideration of the application be continued to the adjourned meeting of the Licensing Board to allow an inspection of the premises by members.

Item 6.39 Vicar Street No. 43, Falkirk

At the request of the agent for the applicant, the Board **AGREED** that consideration of the application be continued to the adjourned meeting of the Licensing Board.

7. Applications for the Grant, including the Provisional Grant of a New Licence

Item 7.1 Behind the Wall Entertainment Venue, 1 South Melville Lane, Falkirk

Mr Thomson, the agent for the applicant confirmed he had no preliminary matters and that he did not object to the competency of the objection from Brunton Miller on behalf of Castle Leisure Group or to the letter of observation from Central Scotland Police.

Copies of both letters were then circulated to members.

Mr McIver was heard in relation to his client's letter of objection.

Sergeant McGregor was then heard in relation to the Chief Constable's letter of observation.

Mr Thomson was heard in support of his client's application.

Questions were then asked of Mr Thomson by members.

All parties were invited in turn to sum up.

The members adjourned for a short period.

On reconvening the members determined the locality and **AGREED** that the matter be continued to the Adjourned Meeting of the Licensing Board to allow an inspection of the premises by Members.

Item 7.2 The Richmond Park Hotel, 26 Linlithgow Road, Bo'ness

Mrs Hamilton, agent for the applicant, was heard in support of her client's application.

The Board **AGREED** to **GRANT** the application.

Item 7.3 Falkirk Wheel, Lime Road, Tamfourhill

Having heard the Licensing Co-ordinator confirm that the certificate of completion had not been **GRANTED** the Board **AGREED** that the application be continued to the Adjourned Meeting of the Licensing Board.

Item 7.4 Shop at 18 West Boreland Road, Denny

Having heard the applicant Mr Ahmed explain the reasons for the lateness of the application, the Board **AGREED** to continue the matter to the Adjourned Meeting of the Licensing Board.

Mr Ahmed **AGREED** to the Board's request that he pay all advertising costs borne by the Board in respect of the late application.

Item 7.5 Behind the Wall Public House, 14 Melville Street, Falkirk

Mr Thomson, the applicant's agent was heard in support of his client's application.

The Board **AGREED** to **GRANT** the licence allowing affirmation and finalisation to be dealt with by the Clerk under delegated powers.

Late Application – Item 7.6 Kinneil Inn, 84 Corbiehall, Bo'ness

Having heard the applicant's agent Mr Sandeman explain the reasons for the lateness of the application, the Board **AGREED** to continue the matter to the Adjourned Meeting of the Licensing Board.

Mr Sandeman **AGREED** to the Board's request that his client pay all advertising costs borne by the Board in respect of the late application.