

Draft

**FALKIRK COUNCIL**

**Minute of Meeting of the Licensing Board held in the Council Chambers,  
Municipal Buildings, Falkirk on Wednesday 10 October 2018 at 9.30 a.m.**

**COUNCILLORS:**

David Balfour  
Lorna Binnie  
Robert Bissett  
Allyson Black  
Niall Coleman  
John Patrick  
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  
Thomas Ross, Licensing Standards Officer  
Chief Inspector D Armstrong, Police Scotland  
Sergeant C Mackenzie, Police Scotland  
PC S Trenchard, Police Scotland

**LB37. Apologies**

An apology was intimated on behalf of Provost Buchanan.

**LB38. Declarations of Interest**

There were no declarations of interest.

**LB39. Minute**

**The minute of meeting of the Licensing Board held on 5 September 2018 was approved.**

**LB40. Application 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 Hippodrome, 10 Hope Street, Bo'ness, and (2) Learig, 175 Dean Road, Bo'ness.

### **The Hippodrome, 10 Hope Street, Bo'ness**

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

#### **Decision**

**The Board granted the variation to increase the approved operating hours as follows:-**

**Monday to Sunday: 12 noon until 12 midnight**

### **Learig, 175 Dean 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 following variations to the current licence, namely to:-**

**(1) amend the off-sales operating hours as follows:-**

**Monday to Sunday  
10.00 am to 22.00 pm**

**(2) remove the following specific condition:**

**“that the external drinking area to the rear of the premises is not to be used after 10.00 pm and that procedures be put in place to monitor the said area noise levels on an hourly basis.”**

**(3) remove the following from the list of approved activities:**

- accommodation
- conference facilities
- receptions including weddings, funerals, birthdays, retirements etc
- club or other group meetings etc
- recorded music
- live performances
- dance facilities
- gaming
- indoor/outdoor sports
- televised sport
- outdoor drinking

- (4) the addition of the following statement to any other activities in the Operating Plan:-

**“The premises is a convenience store selling a range of goods, grocery, drinks, confectionary etc during and outwith core operating hours.**

- (5) change the description of the premises, and

- (6) change the layout and capacity of the premises as a result of the premises being demolished and rebuilt.

#### **LB41. Personal Licence Application – Notification of Conviction (Mr A)**

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 Consumer Protection Manager advised that the personal licence holder had surrendered his personal licence on 9 October 2018.

##### **Decision**

**The Board noted that the personal licence holder had surrendered personal licence No.FC1986.**

#### **LB42. Personal Licence Application – Notification of Conviction (Ms K)**

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 noted that the personal licence holder was not in attendance.

The Board agreed to an adjournment at 10.00 a.m. and reconvened at 10.15 a.m. with all members present as per the sederunt, with the exception of Depute Provost Ritchie.

##### **Decision**

**The Board agreed to continue the matter to the next meeting of the Board to allow the personal licence holder to be in attendance.**

Depute Provost Ritchie re-joined the meeting prior to consideration of the following item.

**LB43. Personal Licence Application – Report of Behaviour which is Inconsistent with the Licensing Objectives (Mr SB)**

The Board considered a report by the Clerk to the Licensing Board providing details of an application received from the Licensing Standards Officer, in terms of s.84B of the Licensing (Scotland) Act 2005, which related to an incident, which he considered that the personal licence holder, whilst working in a licensed premise, had acted in a manner that was inconsistent with one or more of the licensing objectives.

The Licensing Standards Officer was heard in relation to his request, which set out details of the incident, and in response to questions raised by members.

The Board then heard from the personal licence holder in relation to the incident and in response to questions raised by members.

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

The Board agreed to an adjournment at 10.45 a.m. and reconvened at 10.55 a.m. with all members present as per the sederunt.

**Decision**

**The Board agreed that it was satisfied that it was necessary, for the purposes of the licensing objectives, to make an Order in terms of s.84(7) of the Licensing (Scotland) Act 2005 endorsing personal licence No.FC.1541 issued by Falkirk Licensing Board.**

**LB44. Premises Licence Review - The Ellwyn, 95B Newlands Road, Grangemouth**

The Board considered a report by the Clerk to the Licensing Board (a) advising that an application had been received from the Chief Constable, Police Scotland to review the premises licence in respect of The Ellwyn, 95b Newlands Road, Grangemouth details of which were circulated as an appendix to the report; (b) summarising the review process in terms of section 36 of the Licensing (Scotland) Act 2005, and (c) attaching as an appendix to the report, the Licensing Standards Officer's report in terms of section 38(4) of the 2005 Act.

Amran Ali, the premises licence holder and his agent, Ms Loudon, were in attendance.

Ms Loudon, confirmed that she had no preliminary matters to raise.

The Board agreed to hold a hearing in respect of the application.

Sergeant Mackenzie was heard in amplification of the matters set out in the Chief Constable's premises licence review request which arose from two separate incidents at the premises, one during Grangemouth Gala Day on 23 June 2018 and the other, during the televising of the Rangers FC v Celtic FC football match on 2 September 2018. Reference was made to the intervention plan and monitoring of the premises, which had been agreed by the premises licence holder and Police Scotland on 19 July 2018.

Questions were asked by members of the Board.

The Board invited Ms Loudon to respond to the concerns raised in the premises licence review and to make her submission on behalf of her client.

Questions were asked by members of the Board.

The Licensing Standards Officer was then heard in clarification of a question raised by a member of the Board.

Both parties summed up.

The Board agreed to a short adjournment. The Board adjourned at 11.40 a.m. and reconvened at 12.05 p.m. with all members present as per the sederunt.

## **Decision**

### **The Board agreed:-**

- (1) that in accordance with section 39 of the Act, grounds for review in terms of section 36(3)(b) of the Act were established relevant to the licensing objectives of preventing crime and disorder, securing public safety, and protecting children from harm;**
- (2) in terms of section 39(2) to take the following steps which it considered necessary or appropriate for the purposes of the foregoing licensing objectives:-**
  - (a) to issue a written warning to the premises licence holder;**
  - (b) to vary the current premises licence by the addition of the following specific conditions, namely:**
    - (i) to the removal of the outside drinking area;**
    - (ii) that during Grangemouth Gala Day and Rangers v Celtic football matches, the premises licence holder must ensure that no fewer than 2 SIA (Security Industry Authority) stewards on duty at each door giving entrance or exit from the premises to ensure safety of the patrons and staff, 2 at each door during**

**Grangemouth Gala Day and Rangers v Celtic football matches. SIA stewards are required from the commencement of gala day celebrations or the football matches until all patrons have dispersed after the premises have closed. Two stewards are required to be on duty during Friday and Saturday evenings until all patrons have dispersed. Stewards will:-**

- **identify and refuse entry to drunk persons**
  - **identify and refuse entry to any persons who have been banned from the premises**
  - **actively monitor the premises and perform all activities in line with their role under the Private Security Industry Act 2001**
  - **supervise entrance doors/access points at all times to ensure that no fire or other exits are blocked**
  - **be aware of the fire safety evacuation procedure and all other policies and procedures**
  - **ensure no patrons remove glasses or open vessels from the premises when exiting**
- (iii) Grangemouth Gala Day and Rangers v Celtic football matches to be ticketed events, tickets to be checked by SIA stewards on duty;**
- (iv) during the full day of trading when a Rangers v Celtic football match is being screened, or during the full trading day on Grangemouth Gala Day, the licence holder shall utilise “non” or “safe” glass bottles. When this is not possible, the liquid should be decanted into “non” or “safe” glass products;**
- (v) trained First Aider to be present on the premises during Grangemouth Gala Day; Rangers v Celtic football matches; and on Friday and Saturday evenings in order to ensure persons on the premises receive suitable medical treatment, when required;**
- (vi) no children will be allowed access to the premises when Rangers v Celtic football matches are being screened on the premises;**
- (vii) to amend the seasonal variation to remove the existing seasonal variation and to replace this with the Licensing Board’s current festive policy, and**
- (viii) that the current conditions be retained which relate to prevention of noise nuisance and CCTV system.**

Councillor Patrick left the meeting prior to consideration of the following item of business.

**LB45. Chief Constable's Report**

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 2017 to 31 March 2018.

**Decision**

**The Board noted the report.**

**LB46. Dates of Licensing Board Meetings 2019**

The Board considered a report by the Clerk presenting a draft timetable of Licensing Board meetings in 2019.

Councillor Balfour, seconded by Councillor Coleman, moved that the matter be continued to allow officers to identify Thursday meeting dates of the Licensing Board, where possible.

By way of an amendment, Councillor Bissett, seconded by Depute Provost Ritchie, moved that the dates of ordinary meetings for 2019 be agreed.

The vote was taken by roll call, there being 6 members present with voting as undernoted:-

For the Motion (2) – Councillors Balfour and Coleman.

For the Amendment (4) – Depute Provost Ritchie; Councillors Black, Binnie and Bissett.

**Decision**

**The Board agreed the dates of ordinary meetings in 2019.**