

**FALKIRK COUNCIL**

**Minute of Meeting of the Licensing Board held in the Council Chambers,  
Municipal Buildings, Falkirk on Wednesday 14 November 2018 at 9.30 a.m.**

**COUNCILLORS:**

David Balfour  
Lorna Binnie  
Robert Bissett  
Allyson Black  
Niall Coleman

**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  
Sergeant C Mackenzie, Police Scotland  
PC G Hutchison, Police Scotland

The items have been recorded in the order that they were considered at the meeting.

**LB47. Apologies**

Apologies were intimated on behalf of Provost Buchanan, Depute Provost Ritchie and Councillor Patrick.

**LB48. Declarations of Interest**

There were no declarations of interest.

**LB49. Minute**

**The minute of meeting of the Licensing Board held on 10 October 2018 was approved.**

**LB50. Applications for Extended Hours – Festive Period  
Leapark Hotel, 130 Bo'ness Road, Grangemouth**

The Board considered a report by the Clerk to the Licensing Board providing details of applications made in terms of section 68 of the Licensing (Scotland) Act 2005 for the grant of extended hours.

## **Decision**

**The Board granted the extended hours for festive functions as follows:**

**Saturday 24 November – 01.00 to 02.00 hrs**

**Friday 30 November – 01.00 to 02.00 hrs**

**Saturday 1 December – 01.00 to 02.00 hrs**

**Friday 7 December – 01.00 to 02.00 hrs**

**Saturday 8 December – 01.00 to 02.00 hrs**

**Sunday 9 December – 24.00 to 01.00 hrs**

**Thursday 13 December – 24.00 to 01.00 hrs**

**Monday 31 December – 24.00 to 03.00 hrs**

- LB51.** 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, 2 and 3 to the report for (1) North Broomage Social Club, Graham Avenue, Larbert; (2) Lidl, 2-6 Links Road, Bo'ness, and (3) Redding & Westquarter Unity Club, Redding Road, Redding.

**North Broomage Social Club, Graham Avenue, Larbert**

## **Decision**

**The Board agreed to continue the application to a future meeting of the Licensing Board to allow an inspection of the premises to be carried out.**

**Lidl, 2-6 Links 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) increase the capacity of the alcohol display area from 34.04m<sup>3</sup> to 36.03m<sup>3</sup> as detailed on the layout plan submitted with the application, and**
- (2) further increase the capacity of the alcohol display area during the company's festive period from 1 December each year until 2 January the following year by 8.58m<sup>3</sup> to a total of 44.61m<sup>3</sup> as detailed on the layout plan submitted with the application.**

**Bo'ness and Redding & Westquarter Unity Club, Redding Road, Redding**

## **Decision**

**The Board agreed to continue the application to a future meeting of the Licensing Board to allow an inspection of the premises to be carried out.**

### **LB52. Personal Licence - Notification of Conviction Hearing**

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

The personal licence holder was in attendance and accompanied by her representative.

A notice had been submitted by the Chief Constable in terms of Section 83(4)(b) of the Licensing (Scotland) Act 2005 confirming that the personal licence holder had been convicted of a relevant offence and recommending that the personal licence be revoked. 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 in amplification of the matters set out in the Chief Constable's notice.

The Board then heard the personal licence holder's representative in relation to his client's relevant offence.

Questions were asked by members of the Board.

Both parties were given the opportunity to sum up.

The Board agreed to a short adjournment. The Board adjourned at 10.05 a.m. and reconvened at 10.20 a.m. with all members present as per the sederunt.

## **Decision**

**The Board agreed that it was necessary for the purposes of the licensing objectives of preventing crime and disorder, and securing public safety, to make an Order in terms of section 84(7) endorsing the personal licence.**

### **LB53. Annual Retention Fee**

The Board considered a report by the Consumer Protection Manager providing details of the collection of the annual retention fee for 2018/19.

Information was provided on the annual fees collection process undertaken by the Licensing Section in conjunction with the Council's Sundry Accounts staff. It was proposed that the current process be reviewed in light of the number of non-payments still outstanding after the statutory deadline.

Reference was made to the remaining outstanding fee and to the Section 14 notice served on the licence holder for the premises.

### **Decision**

**The Board noted the contents of the report.**

#### **LB54. Premises Licence Review Application – The Town Bar @ Forty Six, 46 South Street, Bo’ness**

The Board considered a report by the Clerk to the Licensing Board advising that an application had been received from the Licensing Standards Officer to review the premises licence in respect of The Town Bar @ Forty Six, 46 South Street, Bo’ness details of which were circulated as an appendix to the report. A summary of the review process in terms of section 36 of the Licensing (Scotland) Act 2005 was also provided.

The premises licence holder was not in attendance.

After hearing from the Consumer Protection Manager, the Board agreed to hold a hearing in respect of the application.

Ms Fyfe, Licensing Standards Officer was heard in relation to the review application which had been requested as the premises licence holder had failed to comply with a notice under Section 14(2)(a)(i) of the Licensing (Scotland) Act 2005.

The Board agreed to a short adjournment. The Board adjourned at 10.30 a.m. and reconvened at 10.40 a.m. with all members present as per the sederunt.

### **Decision**

**The Board were satisfied that a ground for review had been established as one of the conditions to which the premises licence is subject, had been breached, and agreed to revoke the premises licence with immediate effect.**

#### **LB55. Review of Statement of Licensing Board Policy Update**

The Board considered a report by the Consumer Protection Manager which provided an update on the progress of the review of the Statement of Licensing Policy following the end of the consultation period.

Details of the responses received were provided as appendices to the report.

The Licensing Board Sub-Group had met on 1 November to discuss the comments received however, due to this not concluding, the group had agreed to meet again.

## **Decision**

**The Board agreed that the draft Statement of Licensing Policy will be considered at the meeting of the Licensing Board on 19 December 2018.**