

Draft

FALKIRK COUNCIL

**Minute of Meeting of the Licensing Board held in the Council Chambers,
Municipal Buildings, Falkirk on Wednesday 19 December 2018 at 9.30 a.m.**

COUNCILLORS:

David Balfour
Lorna Binnie
Allyson Black
Niall Coleman
John Patrick
Depute Provost Ann Ritchie

OFFICERS:

Alison Barr, Consumer Protection Manager
Peter Farquhar, Solicitor
Arlene Fraser, Committee Services Officer
Colin Moodie, Chief Governance Officer (Clerk)
Dale Inglis, Modern Apprentice (Licensing Section)

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.

LB56. Apologies

Apologies were intimated on behalf of Provost Buchanan and Councillor Bissett.

LB57. Declarations of Interest

There were no declarations of interest.

LB58. Application for the Grant of a Premises Licence

Denny True Blues LOL No.257, 16 West Boreland Road, Denny

The Board considered a report by the Clerk to the Licensing Board providing details of an application made in terms of section 20 of the Licensing (Scotland) Act 2005 for the grant of a new premises licence.

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.

**LB59. Application for the Provisional Grant of a Premises Licence
Keystore, 68 Main Street, Shieldhill**

The Board considered a report by the Clerk to the Licensing Board providing details of an application made in terms of sections 20 & 45 of the Licensing (Scotland) Act 2005 for the provisional grant of a premises licence.

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.

LB60. Minute

The minute of meeting of the Licensing Board held on 14 November 2018 was approved.

**LB61. Application for Extended Hours
Three Kings, Wester Shieldhill, Falkirk**

The Board considered a report by 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.

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

Decision

The Board granted the extended hours for the event starting on Thursday 27 December 2018 from 12 midnight until 0100 hrs (28/12/18).

**LB62. Application for Extended Hours – Festive Period
Behind the Wall, 14 Melville Street, Falkirk Council**

The Board considered a report by 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 during the festive period. The application related to two events taking place during the festive period.

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

The Board agreed to a short adjournment. The Board adjourned at 10.00 a.m. and reconvened at 10.10 a.m. with all members present as per the sederunt.

Decision

The Board:-

- (1) granted the extended hours for the event starting on Thursday 27 December 2018 from 0100 hrs until 0200 hrs (28/12/18), and**
- (2) refused the extended hours application for the event starting on Sunday 30 December 2018 as the Board was not satisfied that it was a special event of local or national significance.**

LB63. Applications for Non Minor Variations of 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 for (1) North Broomage Social Club, Graham Avenue, Larbert, and (2) Redding & Westquarter Unity Club, Redding Road, Redding. The applications were continued from the previous meeting of the Licensing Board to allow members an opportunity to visit the premises. The visits took place on 23 November 2018.

North Broomage Social Club, Graham Avenue, Larbert

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 approved operating hours as follows:**
 - (a) On Sales**
Sunday to Thursday - 1100 hrs to 2400 hrs
Friday - 1100 hrs to 0100 hrs
 - (b) Off Sales**
Monday to Sunday 1000 hrs to 2200 hrs
- (2) the addition of the following to the list of approved activities within and outwith core operating hours:**
 - conference facilities**
 - restaurant facilities**
 - bar meals**
 - theatre**
 - films**
 - indoor/outdoor sports**

- (3) the addition of the following to the list of approved activities outwith core operating hours:
- club or other group meetings
 - receptions including weddings, funerals, birthdays, retirements etc
 - recorded music
 - dance facilities
- (4) the amendment of further details for any activities outwith core operating hours;
- (5) the addition of the following to the list of any other activities:
- the premises may operate as a children's soft play area and kindergarten
 - any other activities that are appropriate to the community and its facilities
- (6) change the access terms and times for children and young persons as follows:
- (a) children and young persons will be permitted on the premises only when accompanied by an adult;
 - (b) children and young persons will be permitted prior to core hours for the purpose of attending children's activities, out of schools clubs, crèche and children's club and will be permitted until 1900 hrs. Children and young persons attending a function will be permitted until the terminal hour.
 - (c) children and young persons will be allowed entry to the foyer, games room, toilets and function hall.
- (7) changes to the layout plan to show the location of the disabled toilet; relocation of the kitchen and the areas where children and young persons are permitted.

Redding & Westquarter Unity Club, Redding Road, Redding

The Board heard from the applicant's representative in respect of the application and in clarification of questions raised by members.

The Board agreed to a short adjournment. The Board adjourned at 10.30 a.m. and reconvened at 10.50 a.m. with all members present as per the sederunt

Decision

The Board granted the following variations to the current licence, namely to:-

- (1) amend current condition 1 to read:

No children or young persons allowed on the premises when Celtic FC and Rangers FC are playing each other, i.e. Old Firm games, other than for matches ending prior to 1800 hrs and subject to 2 designated stewards being present.

(2) amend current condition 3 to read:

No amplified or live music shall be permitted outside the premises including the outdoor drinking area other than on fun days (i.e. day of activities arranged for charitable fundraising), and on any such day only between the hours of noon and 1800 hrs.

Depute Provost Ritchie left the meeting during discussion of the following item.

**LB64. Application for Non Minor Variations of Premises Licence
Callendar House, Callendar Park, Falkirk**

The Board considered a report by 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 as detailed on Appendix 1.

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 approved on sales operating hours as follows:

Monday to Sunday – 1100 hrs to 2400 hrs

(2) the addition of an off sales facility with operating hours as follows:

Monday to Sunday 1000 hrs to 2200 hrs

(3) change the access and times for children and young persons as follows:

(a) children and young persons will be allowed access to the premises until 2100 hrs; if they are attending a private, pre-booked function, they will be allowed access until the terminal hour.

(4) amend the ground floor layout plan to show the proposed off sales area.

The Board agreed to a short adjournment. The Board adjourned at 11.05 a.m. and reconvened at 11.10 a.m. with all members present as per the sederunt.

**LB65. Premises Licence Review Application
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, Mr Thomson, were in attendance. Ms McLuckie and Ms Saunders, personal licence holders were also in attendance.

Sergeant Mackenzie was heard in amplification of the matters set out in the Chief Constable's premises licence review request which arose following numerous incidents occurring at the premises since the previous review of the licence which had been considered at the October meeting of the Licensing Board.

Questions were asked by members of the Board.

The Board invited Mr Thomson to respond to the concerns raised in the premises licence review.

Questions were asked by members of the Board to Mr Thomson and Mr Ali.

The Licensing Standards Officer was then heard in relation to her report.

Both parties summed up.

The Board agreed to a short adjournment. The Board adjourned at 12 noon and reconvened at 12.20 p.m. with all members present as per the sederunt, with the exception of Depute Provost Ritchie.

The Board agreed that 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; protecting children and young persons from harm; and to a breach of specific condition 4 of the premises licence.

The Board invited Mr Thomson to make his submission on behalf of his client.

The Board agreed to a short adjournment. The Board adjourned at 12.25 p.m. and reconvened at 12.40 p.m. with all members present as per the sederunt, with the exception of Depute Provost Ritchie.

Decision

The Board agreed:-

- (1) that 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; protecting children and young persons from harm; and to a breach of specific condition 4 of the premises licence;**
- (2) in terms of section 39(2) to take the following action which it considered necessary or appropriate for the purposes of the foregoing licensing objectives, and to a breach of specific condition 4 of the premises licence:-**
 - it suspended the premises licence for a period of six weeks from Wednesday 19 December until midnight on Tuesday 29 January 2019.**
- (3) in terms of section 84(2) of the Licensing (Scotland) Act 2005, made a finding that Alana Saunders had acted, while working in the licensed premises at The Ellwyn, 95b Newlands Road, Grangemouth, in a manner which was inconsistent with the foregoing licensing objectives, and**
- (4) that the Clerk arrange a hearing under section 84(3)(a) in relation to Alana Saunder's Personal Licence, but that this would not take place until the criminal proceedings had been concluded.**

The Board agreed to the request by Mr Thomson for a direction in terms of s.25(3)(a) of the Licensing (Scotland) Act 2005.

LB66. Review of Statement of Licensing Policy

The Board considered a report by the Consumer Protection Manager which sought approval of the Licensing Board Statement of Licensing Policy which was attached as an appendix to the report.

Decision

The Board approved the Statement of Licensing Policy for publication.