

Draft

FALKIRK COUNCIL

Minute of Meeting of the Licensing Board held in the Council Chambers, Municipal Buildings, Falkirk on Wednesday 21 August 2019 at 9.30 a.m.

COUNCILLORS:

David Balfour
Lorna Binnie
Allyson Black
Niall Coleman (Convener)
John Patrick
Ann Ritchie

OFFICERS:

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

ALSO ATTENDING:

Lindsay Fyfe, Licensing Standards Officer (LSO)
Thomas Ross, Licensing Standards Officer (LSO)
Sergeant Claire Mackenzie, Police Scotland
Gordon Hutchison, Police Scotland
Bryan Douglas, Licensing Co-ordinator
David McLay, Customer & Business Support Assistant
Crawford Sibbald, Environmental Health Officer
Martin MacNiven, Environmental Health Officer

LB15. Apologies

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

LB16. Declarations of Interest

There were no declarations of interest.

LB17. Minute

The minute of the meeting of the Licensing Board held on 11 June 2019 was approved.

LB18. Applications for the Grant of Premises Licences

The Board considered a report by the Clerk of the Licensing Board providing details of applications made in terms of section 23 of the Licensing (Scotland) Act 2005 for the grant of premises licences, namely (1) B&M Store, 44 Tryst Road,

Stenhousemuir, (2) Café at Canada Wood, Lochgreen Road, Falkirk; and (3) Carronbridge Inn, 691 Carron Road, Falkirk.

B&M Store, 44 Tryst Road, Stenhousemuir

The Board noted that two objections had been received and that one of the objectors, Ms Peach, was in attendance.

Mr Williams, agent for the applicant company confirmed that he had no issue with the letters of objection being circulated. Accordingly, copies of the objections were circulated to members.

The Board heard from Ms Peach in relation to her letter of objection.

Mr Williams was heard in response to the issues raised in the objection and in clarification of questions raised by members. He thereafter outlined his client's application.

The Board agreed to an adjournment. The Board adjourned at 10.20 am and reconvened at 10.30 am with all members present as per the sederunt.

Decision

The Board granted the premises licence.

Café at Canada Wood, Lochgreen Road, Falkirk

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

Decision

The Board granted the premises licence.

Carronbridge Inn, 691 Carron Road, Falkirk

The Board noted that 3 representations had been received, one in support and 2 raising concerns to the application. The members of the public, who had submitted the representations, had intimated they were unable to attend the meeting.

The applicant confirmed that she had no issue with the representations being circulated. Accordingly, copies were circulated to members.

The applicant was heard in response to the issues raised in the representations and in clarification of questions raised by members. The applicant thereafter outlined her application.

The Board agreed to an adjournment. The Board adjourned at 11.00 am and reconvened at 11.05 am with all members present as per the sederunt.

Decision

The Board granted the premises licence.

LB19. Applications for Non Minor Variations of Premises Licences

The Board considered a report by the Clerk of the Licensing Board providing details of applications made in terms of section 30 of the Licensing (Scotland) Act 2005 for the non minor variations to premises licences, namely (1) Polmont Convenience Store, 11 Main Street, Polmont, (2) Behind the Wall, 14 Melville Street, Falkirk, (3) The Old Station Bar, 30/32 High Street, Bonnybridge, (4) Park Hotel, 1 Arnothill, Falkirk; and (5) SLM News t/a Spar, Roselea, Brightons Cross, Maddiston Road, Brightons.

Polmont Convenience Store, 11 Main Street, Polmont

The Board heard from the applicant's agent 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) change the layout plan to show the new location of the alcohol display area, the post office counter and the food preparation area;**
- (2) change the operating plan to reflect the increase in capacity from 6.85m³ to 9.86m³; and**
- (3) add the following to the list of other activities during the core operating hours:-**
 - the sale of hot food**
 - post office facilities**

Behind the Wall, 14 Melville Street, Falkirk

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

The Board agreed to an adjournment. The Board adjourned at 11.45 am and reconvened at 12.25 pm with all members present as per the sederunt.

Decision

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

- (1) to change the wording for seasonal variations in line with the Council's updated policy;**

(2) the addition of the following to the list of other activities:

- **takeaway and home delivery of food and non alcoholic beverages during core hours**
- **takeaway and home delivery of food, non alcoholic beverages and alcohol from 10.00 am until 10.00 pm**

(3) to amend the children and young persons access to the premises as follows:

- **unaccompanied children and young persons, 13 to 17 years of age, for the purposes of having a meal, snack, soft drink, other non-alcoholic refreshment and ice cream will be allowed access to the conservatory and outside drinking area only, from 0900 hours to 2000 hours;**
- **children and young persons, when accompanied by an adult, 0-17 years of age, for the purpose of having a meal, snack, soft drink, other non-alcoholic refreshment and ice cream will be allowed access to all public parts of the premises until 2300 hours;**
- **children and young persons, when accompanied by an adult, 0-17 years of age, for the purpose of attending a private function will be allowed access to all public parts of the premises until the end of the private function or 0100 hours whichever is the earlier;**
- **unaccompanied young persons, 16 and 17 years of age, for the purpose of attending age appropriate ticketed events, will be allowed access to all public parts of the premises until 2400 hours;**
- **at times when televised sporting events are being shown children under 14 years of age shall be limited to a designated area for families; and**
- **no children and young persons will be allowed entry to any area of the premises in which any adult activities detailed in section 5(f) are taking place.**

The Board agreed to remove the following paragraphs from the Operating Plan:

- **unaccompanied young persons attending age appropriate ticketed events will be provided with wrist bands to identify them as young persons and to ensure that no alcohol is purchased or supplied by them**
- **toddlers/small children when accessing the soft play area, must be accompanied by a supervising adult who must remain in the vicinity of the soft play area at all times when the toddler(s) or small child(ren) is/are accessing it.**

and agreed to add these as specific conditions on the licence. The Board agreed to amend these conditions to read as follows:

- persons aged 18 years and over attending age appropriate ticketed events will be provided with wrist bands to identify them as such and to ensure that no alcohol is purchased by or supplied to young persons;
- toddlers/small children when accessing the soft play area, must be accompanied by a supervising adult who must remain in the dining area adjacent to the soft play area at all times when the toddler(s) or small child(ren) is/are accessing it.

The Board agreed to the addition of a further specific condition, namely:

- Food and drink orders from unaccompanied children and young persons will be exclusively by table service.

(4) to change the premises licence description to read as follows:

“The licensed premises comprise ground and first floor of a four storey tenement building. There is office space relating to the business on the second floor.

The ground floor accommodates a public bar, function room, conservatory, beer garden, kitchen and toilets. Deliveries of food and alcohol can take place from the premises. The first floor accommodates a public bar, function room, conservatory, beer garden, kitchen and toilets.

The first floor accommodates a public bar, pizza parlour, function room and toilets. Deliveries of food and alcohol can take place from the premises.

The premises are situated in a mixed retail and residential setting in the centre of Falkirk.

(5) the following minor variations to the layout plan, namely to:

- the addition of a pizza preparation area in the first floor bar area;
- the addition of a dessert preparation area on the ground dining / drinking area, and
- remove the fixed seating from the first floor bar area

The Old Station Bar, 30/32 High Street, Bonnybridge

The Board heard from the applicant's agent 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) the addition of the following to the list of activities within the core operating hours:

- dance facilities
- indoor/outdoor sports

(2) change the layout plan as follows:

- bar moved to the opposite side of the public bar
- the cellar moved to behind the new bar
- new ladies, gents and disabled toilets installed
- change to the internal layout
- main entrance moved
- an increase in the size of the beer garden

(3) change the premises licence description to read as follows:

“The Old Station Bar forms part of the ground floor of a three storey building located on a main road with a public park to the rear. The premises comprise a public bar, cellar, toilets and beer garden.”

The Board noted that the following minor variations had been granted under delegated powers, namely to:-

- i. the removal of the following from the list of activities:
 - accommodation
 - restaurant facilities
 - bar meals, and
 - receptions
- ii. the removal of the following from the list of any other activities
 - karaoke, prize bingo, pool competitions, darts competitions, dominoes competitions, comedians, hypnotists and race nights
- iii. change the name of the premises from the Royal Hotel to the Old Station Bar;
- iv. a reduction in capacity from 140 to 80 persons, and
- v. the removal of access for children and young persons.

Park Hotel, 1 Arnothill, Falkirk

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 an adjournment. The Board adjourned at 12.45 pm and reconvened at 12.55 pm with all members present as per the sederunt.

Decision

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

(1) increase the operating hours as follows:

Monday to Thursday 10.00 am until 12 midnight

Friday and Saturday 10.00 am until 1.00 am

Sunday 11.00 am until 12 midnight

(2) remove the off sales facility;

(3) change the description of the premises to remove reference to the function suites;

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

- children when accompanied by an adult, and unaccompanied young persons will be allowed entry;**
- children aged 0-15 years and young persons aged 16 and 17 years will be allowed entry**
- children and young persons shall be allowed access to all public areas of the hotel, restaurant and bedrooms.**

The Board agreed to retain the existing times during which children and young persons will be allowed entry, namely that children will be allowed entry at all times when accompanied by an adult as will young persons unaccompanied when dining in the restaurant, attending a function, staying in the hotel or until close of business.

(5) an increase in the capacity from 300 to 392;

(6) change the explanation for activities outwith operating hours;

(7) the removal of all wording in any other activities, and

(8) amend the layout plan to show the ground floor bedrooms which replace the Regency and Camelon suites, relocation of the reception and the removal of the catering kitchen.

SLM News t/a Spar, Roselea, Brightons Cross, Maddiston Road, Brightons

The Board heard from the applicant's agent 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:

Monday to Sunday 10.00 am to 10.00 pm

- (2) change to the wording of activities provided outwith core operating hours as shown in the proposed operating plan;
- (3) amend the layout plan to show the new post office counter and the increase in the alcohol display area from 6.56m³ to 7.74m³;
- (4) amend the operating plan to show the increase in capacity of the alcohol display area, and
- (5) change the description of the premises to include the Post Office.

LB20. Application for Personal Licence – 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 Board noted that the applicant had requested that the matter be continued to a future meeting of the Board.

Decision

The Board agreed to continue the matter to the meeting of the Licensing Board on 2 October 2019.

LB21. Application for Personal Licence – 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 Board noted that the applicant had requested that the matter be continued to a future meeting of the Board.

Decision

The Board agreed to continue the matter to the meeting of the Licensing Board on 2 October 2019.

The Board agreed to an adjournment. The Board adjourned at 1.00 pm and reconvened at 1.30 pm with all members present as per the sederunt, with the exception of Councillor Binnie.

LB22. Order of Business

The Convener varied the order of the business at this stage. The following items have been recorded in the order that they were taken.

LB23. Application for Premises Licence Review - The Star Inn, 150 Grahams Road, Falkirk

The Board considered a report by the Clerk of the Licensing Board (a) advising that an application had been received from a member of the public, Ms S Simpson to review the premises licence in respect of The Star Inn, 150 Grahams Road, Falkirk 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.

Victoria Redding, premises licence holder and personal licence holder was in attendance and was accompanied by her agent, Andrew Thomson.

Ms Simpson was heard in amplification of the matters set out in her premises licence review request.

Questions were asked by members of the Board to Ms Simpson.

The Board invited Mr Thomson to respond to the concerns raised in the premises licence review and to make his submission on behalf of his client.

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

Councillor Patrick left the meeting at this point.

Thomas Ross, Licensing Standards Officer was heard in relation to his report and in clarification of questions raised by members of the Board.

Martin MacNiven, Environmental Health Officer was heard in relation to visits undertaken to Ms Simpson's property concerning noise level, the age, construction and lack of soundproofing between the properties, and the options available which could help reduce noise levels.

There being no questions from Mr Thomson, questions were asked by members of the Board to Mr MacNiven.

Sergeant Mackenzie advised that since the current licence holder had been in place, 43 calls had been received by Police Scotland with the majority of these being noise related.

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

Both parties were invited to sum up.

The Board agreed to a short adjournment. The Board adjourned at 3.10 pm and reconvened at 3.35 pm with all members present as per the sederunt, with the exception of Councillors Binnie and Patrick.

Decision

The Board agreed that a ground for review in terms of section 36(3)(b) of the Act was established relevant to the licensing objective of preventing public nuisance.

Mr Thomson was heard in relation to the economic impact on his client's business if live entertainment was removed from the current premises licence. Ms Simpson was given an opportunity to respond.

The Board agreed to a further short adjournment. The Board adjourned at 3.40 pm and reconvened at 3.50 pm with all members present as per the sederunt, with the exception of Councillors Binnie and Patrick.

Decision

The Board agreed:

- (1) to vary the Premises Licence by the addition of the following specific condition, namely:**
 - that no live amplified music will be permitted, except between the hours of 5.00 pm and 8.00 pm on Fridays and Saturdays between 21 August and 18 December 2019; and**
- (2) that in terms of Section 84 of the Licensing (Scotland) Act 2005, no grounds for review in relation to the personal licence held by Victoria Redding had been established.**

LB24. Application for Renewal of Personal Licence – Hearing

A notice had been submitted by the Chief Constable in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005 confirming that the personal licence holder had been convicted of a relevant offence. Where such a notice is received, the Board may hold a hearing for the purpose of determining the application.

The personal licence holder was in attendance and accompanied by his agent, Mr Sandeman.

The Board agreed to hold a hearing.

Sergeant Mackenzie, Police Scotland was heard in amplification of the matters set out in the Chief Constable's notice, and in clarification to a question raised by a member.

Mr Sandeman was heard in relation to his client's relevant offence, and in clarification to questions raised by members.

Both parties were given the opportunity to sum up.

The Board agreed to a short adjournment. The Board adjourned at 4.15 pm and reconvened at 4.25 pm with all members present as per the sederunt, with the exception of Councillors Binnie and Patrick.

Decision

The Board agreed to grant renewal of the personal licence.