

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 2 JULY 2008 at 10.00 AM.

PRESENT: Provost P Reid; Depute Provost Black and Councillors Hughes, Kenna, McLuckie, McNally and Nicol

CHAIRMAN: Councillor Nicol

APOLOGIES: Councillors Nimmo, Thomson and Waddell; Fire Officer, Central Scotland Fire and Rescue Service.

ATTENDING: Assistant Clerk; Consumer Protection Manager (A Cairns); Licensing Assistant (L McGarva); Committee Services Officer (S Barton) and Committee Assistant (S McGee).

ALSO

ATTENDING: Superintendent R McGregor and PC K Baird, Central Scotland Police.

1. HEARINGS IN TERMS OF SECTION 31 OF THE LICENSING (SCOTLAND) ACT 1976

- (a) (i) **Public House at the Carronshore Bar, Carronshore Road, Carronshore, Falkirk – Gary Dempster**
(ii) **Public House at the Royal Hotel, 30/32 High Street, Bonnybridge – Good Entertainment Limited and Kate Dempster, Section 11 Nominee**

There were submitted Reports (circulated) dated 24 June 2008 by the Assistant Clerk advising that letters of complaint in terms of Section 31 of the Licensing (Scotland) Act 1976 had been received from the Chief Constable, Central Scotland Police.

The Assistant Clerk advised that all parties were in attendance and that Mr Dempster was represented by Mrs Margaret Lang, Solicitor; Mrs Dempster was represented by Mrs Sharon Hamilton, Solicitor; and that Good Entertainment Ltd were represented by Mr R Sandeman, Solicitor

In response to a question from Mrs Laing regarding the basis on which the hearing would be conducted, the Chairman ruled that the Board would hear the matters together, given that there was a strong connection.

There being no preliminary matters, copies of the police letters of complaint were then tabled.

In response to a query from Mr Sandemand regarding the date of the complaint letters differing from the copy intimated to him, Superintendent McGregor

advised that the date on the letter may have been changed as part of the administrative process, but the letters would in all other respects be the same.

Superintendent McGregor was then heard in support of the Chief Constable's letters of complaint in relation to Mr Dempster, Mrs Dempster and Good Entertainment Ltd.

Questions were asked of Superintendent McGregor by the agent for Good Entertainment Ltd. The Board also permitted cross examination among the parties who were the subjects of the letters of complaint.

The Board then heard submissions from the agents for Mr Dempster, Mrs Dempster and Good Entertainment Limited in support of their clients and on the circumstances surrounding the police complaint. Questions were asked of Mrs Dempster by Superintendent McGregor.

Questions were then asked by Members of the Board.

AGREED that a short adjournment take place to enable Members to hear advice from the Assistant Clerk.

The Board unanimously **AGREED**:-

- (i) in relation to the complaint against Good Entertainment Ltd that they were not found to be unfit to hold a licence but that a letter should be sent by the Clerk of the Licensing Board to Good Entertainment Ltd reminding them of the Board's best practice for licence holders;
- (ii) in relation to the complaint against Mrs Dempster, to uphold the police complaint, to find her not a fit and proper person to hold a licence and to suspend the licence for the Royal Hotel for a period of 3 weeks; and
- (iii) in relation to the complaint against Mr Dempster, to uphold the police complaint, to find him not a fit and proper person to hold a licence and to suspend the licence for the Carronshore Bar for a period of 1 week.

Depute Provost Black left the meeting following conclusion of the foregoing item.

(b) Off Sales at the Local Store, 18 Nisbet Drive, Denny – Mohammad Usman Aslam Choudhry

There was submitted report (circulated) dated 24 June 2008 by the Clerk advising that a letter of complaint in terms of Section 31 of the Licensing (Scotland) Act 1976 had been received from the Chief Constable, Central Scotland Police.

It was noted that the Licensee was in attendance and was represented by Mr Ewan Grant, Solicitor.

Mr Grant confirmed that he had no preliminary matters.

The police letter of complaint was then tabled.

Superintendent McGregor was then heard in support of the Chief Constable's letter of complaint. During his submission, there was a brief adjournment for witness statements to be lodged (with identities erased) and copied.

Questions were then asked of Superintendent McGregor by the agent for the Licensee.

The Licensee's agent was heard in support of the Licensee and on the circumstances surrounding the police complaint.

Questions were then asked of the Licensee's agent and the Chief Constable's representative by Members.

AGREED that a short adjournment take place to enable Members to hear advice from the Assistant Clerk.

The Board unanimously **AGREED** to uphold the Police complaint, to find that the Licensee was not a fit and proper person to be the holder of a licence and, that the off-sales licence for 18 Nisbet Drive, Denny be suspended for a period of 3 months.

Having heard the Chairman, the Board **AGREED** to a short adjournment for lunch. The meeting adjourned at 1.45 p.m and reconvened at 2.15 p.m with all Members present as per sederunt with the exception of Depute Provost Black.

(c) Public House at The Gordon Lounge, 100 Thornhill Road, Falkirk – Anne Reddington

There was submitted report (circulated) dated 24 June 2008 by the Clerk advising that a letter of complaint in terms of Section 31 of the Licensing (Scotland) Act 1976 had been received from the Chief Constable, Central Scotland Police.

The Assistant Clerk advised that the Licensee was not in attendance, but that it was available to Members to hear the complaint, as due notice thereof had been given to the Licensee.

The Police letter of complaint together with a letter received from the Licensee, dated 6 June 2008 were then tabled.

Superintendent McGregor was then heard in support of the Chief Constable's letter of complaint.

AGREED that a short adjournment take place to enable Members to hear advice from the Assistant Clerk.

The Board unanimously **AGREED** to uphold the Police complaint, to find that the Licensee was not a fit and proper person to be the holder of a licence, and that the licence of the Gordon Lounge be suspended for a period of 1 year.