

FALKIRK COUNCIL

MINUTE of the ADJOURNED MEETING of the LICENSING BOARD held in the DISTRICT COURT ROOM, FALKIRK on WEDNESDAY 11 JULY 2007 at 10.00 AM.

PRESENT: Depute Provost Black; Councillors Hughes, McLuckie, McNally, Nicol, Nimmo and Waddell.

CONVENER: Councillor Nicol

APOLOGIES: Provost Reid; Councillors Kenna and Thomson.

ATTENDING: Consumer Protection Manager; Depute Clerk (P Gilmour); Building Standards Manager; Licensing Co-ordinator (R Watson); Senior Licensing Assistant (L McGarva); Environmental Health Officer (S Henderson) and Committee Services Officer (A Rose).

ALSO

ATTENDING: Station Manager Ticehurst, Central Scotland Fire and Rescue Service and PC Derek Simpson, Licensing Officer, Central Scotland Police.

There were no Declarations of Interest by any of the Members present.

SECTION A

1. APPOINTMENT OF DEPUTE CONVENER

The Board **AGREED** that Provost Reid be appointed as Depute Convener of the Licensing Board.

UNDER THE LICENSING (SCOTLAND) ACT 1976 (as amended) AND THE LAW REFORM (MISCELLANEOUS PROVISIONS) (SCOTLAND) ACT 1990

SECTION B

1. Applications for the Renewal of Existing Licenses

Item 1.1, No. 20 Wholequarter Avenue, Redding

The Board **DECLINED** to consider the application due to the non-attendance by the applicant or their representative.

Item 1.2, Carronshore Bar, Carronshore Road, Carron

Having heard from the Depute Clerk to the Board that a Training Certificate had been obtained by the applicant and a copy subsequently received by the Clerk's Office, the Board **GRANTED** the application.

2. **Applications for the Permanent Transfer of Licenses**

Item 2.1, Crown Bar, 10/12 Grangepans, Bo'ness

Having heard Mr Lalli, the applicant, and Station Manager Ticehurst, Central Scotland Fire and Rescue Service, confirm that all fire safety works had been completed, the Board **GRANTED** the application.

3. **Applications for Consent to Alterations**

Item 3.1, Martell Leisure, Burnbank Road, Bainsford

The Board **GRANTED** this application subject to an undertaking by the applicant to complete works on the disabled toilets.

Item 3.2, Victoria Bar, 75 Grahams Road, Falkirk

Having heard from Mrs Lang, agent for the applicant, the Board **GRANTED** this application subject to an undertaking by the applicant to complete works on disabled toilets, instal a push bar on the wooden gate to the car park and make appropriate applications to the planning and building control departments.

5. **Applications for the Renewal of Children's Certificate**

Item 4.1 , Bo'ness Motor Museum, Bridgeness Road, Bo'ness

Having heard from Mr Anderson, the applicant, the Board **GRANTED** this application subject to an undertaking by the applicant to restrict the number of gaming machines on the premises to two in accordance with the conditions of his licence.

6. **Application for New Children's Certificate**

The Board **GRANTED** the applications for New Children's Certificates as detailed below, subject to undertakings by the applicants to complete those works detailed in letters issued to them from the Council's licensing section.:-

Item 5.1, Hotel Cladhan, Kemper Avenue, Falkirk

Item 5.2, Park Lodge Hotel, Camelon Road, Camelon

Item 5.5, Comma Bar Café, 14 Lint Riggs, Falkirk

Item 5.6, Ellwyn, 95 Newlands Road, Grangemouth

Item 5.7, Tropix Bar, 4 High Street, Falkirk

Item 5.3, Amarillo, Top Deck, Falkirk Community Stadium

Having heard from Mrs Hamilton, agent for the applicant, the Board **GRANTED** this application subject to an undertaking by the applicant to complete work relating to installation of radiator covers and pipes.

Item 5.4, Boardroom & Hospitality Suites, Falkirk Community Stadium, West Stand

Having heard from Mrs Hamilton, agent for the applicant, the Board **GRANTED** this application subject to an undertaking by the applicant to complete work relating to installation of radiator covers and pipes.

6. Applications for Regular Extension of Permitted Hours

The Board **GRANTED** the applications for regular extension of permitted hours as detailed below:-

Item 6.1, Royal Hotel, 30/32 High Street, Bonnybridge

Item 6.2, Bo'ness Tavern, 2-6 Main Street, Bo'ness

Item 6.3, Cheyne's Bar, 29 Main Street, Bainsford

Item 6.4, Crown Bar, 10/12 Grangepans, Bo'ness

Item 6.5, Wellington Bar, 6 Manor Street, Falkirk

Item 6.6, Douglas Lodge, Stewart Avenue, Bo'ness

7. Applications for the Grant, including the Provisional Grant of a New Licence

Item 7.1, 7a High Street, Bonnybridge

Mr McDonald, agent for the applicant, advised the Board that he had received notification of only one letter of objection. Mr McDonald further added that he did not object to the competency of the objection from Mr & Mrs Halliday and Mr & Mrs Ghee which he had received. A copy of this letter of objection was then circulated to members of the board.

The Deputy Clerk to the Board advised that he had received a written objection signed by a Mr Ali, attached to which was a petition signed by a number of persons. The Deputy Clerk, however, had concerns regarding the legal authority of Mr Ali to speak as a representative of those persons who had signed the petition, and also, had concerns as to the validity of the objections of some of the persons who had signed the petition.

Mr Ali advised the Board that he was not aware that he was required to inform the applicant of his objection.

The Board **AGREED** to not accept the objection and petition submitted by Mr Ali as a competent objection as Mr Ali had failed to comply with the legal requirement to notify the applicant of his objection.

The Licensing Co-ordinator circulated to the Board, and the other interested parties, two street maps, one of the whole of Bonnybridge and another of Bonnybridge town centre, which highlighted the location of all existing licensed premises. The agent for the applicant informed the Board that he had no objection to the circulation of the maps.

Mr Halliday, an objector, was heard in support of his written objection.

Questions were then asked of Mr Halliday by the Members of the Board.

Mr McDonald, agent for the applicant, made a submission in support of his client's application.

Questions were then asked of the agent for the applicant, and of the applicant directly, by Members of the Board.

The Board adjourned for 20 minutes to consider the details of this application.

Upon reconvening the Board **REFUSED** the application on the grounds of overprovision of licensed premises in the centre of Bonnybridge.

The Board also **REFUSED** to make a direction under Section 14 of the Licensing (Scotland) Act 1976.

Item 7.2, The Wheelhouse

Mrs Lang, agent for the applicant, advised that this application was withdrawn.

NOTED.