

FALKIRK COUNCIL

MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 27 JUNE 2012 at 9.30 A.M.

PRESENT: Councillors Black; Buchanan; McLuckie; Nicol and Turner.

CONVENER: Councillor Nicol.

APOLOGIES: Councillors D Goldie, Hughes, McNally, Nimmo and Ritchie.

ATTENDING: Clerk; Consumer Protection Manager; Licensing Co-ordinator (R Watson); Solicitor (P Gilmour); and Committee Services Officer (A Fraser).

ALSO

ATTENDING: Licensing Standards Officers (D Frood and T Ross); Superintendent G Lawrie and PC Kane, Central Scotland Police.

1. DECLARATIONS OF INTERESTS

No declarations were made.

2. AIRTH CASTLE HOTEL COUNTRY CLUB, AIRTH, FALKIRK

There was submitted Report (circulated) dated 18 June 2012 from 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's agent in support of his client's extended hours application and in clarification of questions raised by Members of the Board.

After discussion, the Board **GRANTED** the following extended hours, namely:-

one additional hour from 0100 to 0200 hrs for Christmas party/disco nights to be held on Monday, Tuesday and Wednesday evenings during the period (5 to 19 December 2012 inclusive); and

two additional hours from 0100 to 0300 hrs on Monday 1 January 2013

3. HAGGS TAVERN, KILSYTH ROAD, HAGGS, FALKIRK

There was submitted Report (circulated) dated 25 May 2012 from the Clerk to the Licensing Board providing details of an application made in terms of the Licensing (Scotland) Act 2005 (as amended) for the grant of a new premises licence.

Having heard from the applicant and his agent in support of the application, the Board **GRANTED** the application for a new premises licence.

4. **VOODOO LOUNGE, 7-11 WOOER STREET, FALKIRK**

There was submitted Report (circulated) dated 10 June 2012 from the Clerk to the Licensing Board providing details of an application made in terms of Section 29 of the Licensing (Scotland) Act 2005 for the grant of a variation to the premises licence.

The Board heard from the applicant's agent in support of his client's application and in clarification of questions raised by Members of the Board.

After discussion, the Board **GRANTED** the following variations to the current licence:

- (1) the addition of bar meals to the list of activities in the Operating Plan;
- (2) the addition of an outdoor drinking area as detailed on the layout plan submitted with the application with a corresponding addition of outdoor drinking facilities within core hours to the list of activities in the Operating Plan, but subject to the condition regarding timing noted below;
- (3) amendment of the Operating Plan to authorise access by children and young persons to the outdoor drinking area until 20:00 hours

The Board granted the application on the basis that the undernoted specific conditions would be imposed in addition to any already on the licence, namely:

- the outdoor drinking area will be available only when a commercial occupation permit from the Roads Authority is in force;
- the terminal hour for the outdoor drinking area will be 20:00 hours;
- the ordering of meals for consumption in the outdoor drinking area will not be permitted after 19:00 hours;
- a physical barrier separating the outdoor drinking area from the public walkway is to be erected during the times when the outdoor drinking area is in operation;
- there will be a maximum of five tables and twenty chairs (4 at each table) within the outdoor drinking area;
- no vertical drinking will be permitted within the outdoor drinking area;
- the outdoor drinking area will be regularly patrolled by staff to ensure the safety and comfort of patrons. Particular attention will be paid to ensuring that any broken glassware or crockery is removed immediately;
- there will be designated smoking and non-smoking areas within the outdoor drinking area;
- the outdoor drinking area must be subject to surveillance by CCTV cameras operated by the licence holder, said cameras being part of a system complying with any current legislative requirements and any guidance issued by the Information Commissioner, all to the satisfaction of Central Scotland Police;

The licence holder also agreed to a request by the Board to contact Falkirk Council's Roads Services to discuss the possible installation of temporary or permanent fixings to the pavement to stabilise tables.

The Board noted that a Section 51 Notice would be issued setting out the above variations and conditions. The Notice would also clarify the terms, ages, times and parts of the premises relating to children and young persons' access and any conditions which have been applied to the current licence. The Board also noted the applicant's clarification and modification of the

Operating Plan to confirm that sport would not be shown on the television(s) situated within the raised area.

5. **M&S LICENSED GROCERS, 7 KINGS ROAD, GRANGEMOUTH**

There was submitted Report (circulated) dated 19 June 2012 from the Clerk to the Licensing Board (a) advising that the Premises Review Application had called before the Board on 28 March 2012, but had been continued at the request of Licensing Board; (b) summarising the review process in terms of Section 36 of the Licensing (Scotland) Act 2005; (c) advising that an application had been received from the Chief Constable, Central Scotland Police to review the premises licence in respect of M&S Licensed Grocers, 7 Kings Road, Grangemouth, details of which were circulated as an Appendix to the Report; and (d) attaching as a further appendix to the Report, the Licensing Standards Officer's report in terms of Section 38(4) of the 2005 Act.

The Consumer Protection Manager advised the Board that the licence holder, Mandeep Bassi, was currently out of the country and would not be returning until 3 July 2012.

After discussion, the Board **AGREED** to **CONTINUE** the matter to the meeting of the Licensing Board to be held on 15 August 2012 but emphasised that Mr Bassi should be given sufficient advance notice to ensure that he was in attendance on that occasion.

6. **LEON PAUL BARRIE**

There was submitted Report (circulated) dated 21 June 2012 by the Clerk to the Licensing Board (a) advising that a hearing on the personal licence held by Leon Paul Barrie had called before the Board on 28 March 2012, but had been continued to allow the personal licence holder to be in attendance; (b) attaching as an appendix to the report, a copy of the report to the earlier meeting which set out that, in terms of section 84A of the Licensing (Scotland) Act 2005, the Chief Constable had submitted a report in respect of the personal licence held by Mr Barrie alleging that, while working on the premises at Laurie's Bar, Mr Barrie had acted in a manner that was inconsistent with the five licensing objectives; and (c) advising the Board that a hearing required to be held in accordance with section 84A(2) of the Act.

The Board **NOTED** that Mr Barrie was not in attendance and had failed to attend the meeting of the Licensing Board on 28 March when the hearing first called. Due notice has been given in the form of recorded delivery letters, first class post letters and emails to Mr Barrie inviting him to attend both meetings.

The Board **AGREED** to consider the matter in Mr Barrie's absence.

A copy of the Chief Constable's report was provided to Members of the Board.

Superintendent Lawrie was heard in amplification of the matters set out in the Chief Constable's report focusing on the conduct of the personal licence holder which, in his opinion, was inconsistent with all of the licensing objectives.

After due consideration of the matter before it, and in accordance with section 84(6) of the Act, the Board **AGREED** that it was satisfied that it was necessary for the purposes of all the licensing objectives to make an Order in terms of s.84(7) **REVOKING** Leon Paul Barrie's personal licence FC1155.

7. NAEEM MIRZA

There was submitted Report (circulated) dated 21 June 2012 by the Clerk to the Licensing Board (a) referring to the Review Hearing on the premises licence for Bowhouse Mini Market, 2 Bowhouse Square, Grangemouth held on 28 March 2012; (b) detailing the Board's finding in terms of Section 84(2) of the Licensing (Scotland) Act 2005 that the personal licence holder, Naeem Mirza, while working on the premises at Bowhouse Mini Market, acted in a manner which was inconsistent with the licensing objectives of securing public safety, preventing crime & disorder and protecting children from harm; (c) highlighting that Mr Mirza's personal licence already carries an endorsement as a result of an Order made by Falkirk Council Licensing Board in terms of s.84(7) of the 2005 Act on 16 March 2011, and (d) advising that in terms of Section 84(3)(a) of the 2005 Act, the Board must now hold a Hearing on Naeem Mirza's personal licence.

Mr Mirza was in attendance and advised the Board that his agent, Mr Travers, was unable to attend due to a prior Court commitment, and requested a continuation.

After discussion, the Board **AGREED** to **CONTINUE** the matter to the meeting of the Licensing Board on 15 August 2012 but emphasised that it was Mr Barrie's responsibility to ensure that he was represented on that occasion.

8. SARFRAZ ALI

There was submitted Report (circulated) dated 21 June 2012 by the Clerk to the Licensing Board (a) referring to the Review Hearing on the premises licence for GKR Store, 2 Loanhead Avenue, Charlotte Dundas, Grangemouth held on 28 March 2012; (b) detailing the Board's finding in terms of Section 84(2) of the Licensing (Scotland) Act 2005 that the personal licence holder, Sarfraz Ali, while working on the premises at GKR Store, acted in a manner which was inconsistent with the licensing objectives of preventing crime and disorder, securing public safety and protecting children from harm, and (c) advising that in terms of Section 84(3)(a) of the 2005 Act, the Board must now hold a Hearing on Sarfraz Ali's personal licence.

Mr was in attendance and advised the Board that his agent, Mr Sandeman, would be attending the hearing but, as yet, had not arrived.

The Board agreed to a short adjournment to allow time for the agent to attend. The Board adjourned at 11.25 a.m. and reconvened at 11.35 a.m.

The Board **NOTED** that the agent had failed to attend the hearing.

The Licensing Co-ordinator advised that the agent had been in contact and that due to a prior Court commitment, had been delayed and was unable to attend the hearing.

After discussion, the Board **AGREED** to **CONTINUE** the matter to the meeting of the Licensing Board on 15 August 2012 but emphasised that it was Mr Barrie's responsibility to ensure that he was represented on that occasion.