

FALKIRK COUNCIL

MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 20 SEPTEMBER 2012 at 9.30 A.M.

PRESENT: Councillors Black, D Goldie, McLuckie, Nicol, Nimmo and Turner.

CONVENER: Councillor Nicol.

APOLOGIES: Councillors Buchanan, McNally 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).

LB34. DECLARATIONS OF INTERESTS

No declarations were made.

LB35. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Licensing Board held on 15 August 2012.

LB36. City, 8/12 Princes Street, Falkirk

There was submitted Report (circulated) dated 29 August 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 in support of his application and in clarification of questions raised by Members. Information was given by the applicant in justification of the “special” nature of the event as required by S.68 of the Act. In that respect it was noted that the artiste in attendance is a triple grammy award winning singer and DJ appearing in the UK for the first time in five years and that his attendance had been won in competition with competing offers from premises in London and Manchester. The purpose of the event was to launch a Thursday night student night.

Councillor Nicol, seconded by Councillor Black, moved that the application be granted.

By way of an amendment, Councillor Nimmo, seconded by Councillor Goldie moved that the application be refused.

On a division, 4 Members voted for the motion and 2 Members for the amendment.

Accordingly, **AGREED** to **GRANT** the extended hours application for one additional hour from 0200 to 0300 hours on Friday 28 September 2012.

LB37. Skierscy Polish Goods and Bakery Shop, 232 Grahams Road, Falkirk

There was submitted Report (circulated) dated 3 July 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 in support of her application and in clarification of questions raised by Members, the Board **GRANTED** the application for a new premises licence.

LB38. Newtown Supermarket, Baker Street, Bo'ness

There was submitted Report (circulated) dated 15 August 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 **NOTED** that two objections had been received in respect of the variation application and that the objectors were in attendance.

The applicant, Mr Sajid, advised that he had no preliminary matters to raise concerning the validity of the objections. Accordingly, copies of the objections were circulated to Members.

The Convener advised that the objection letters made specific reference to telephone calls to Central Scotland Police. As no representatives from Central Scotland Police were in attendance, the Convener considered it beneficial to continue the application.

The Board **AGREED** to **CONTINUE** the application to a future meeting of the Licensing Board to allow (1) an inspection of the premises to be carried out by Licensing Board Members, and (2) Central Scotland Police to be in attendance and to provide an Anti-Social Behaviour report.

LB39. Morrisons, Brockville Park, Hope Street, Falkirk

There was submitted Report (circulated) dated 31 August 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.

After discussion, and having heard from the applicant's agent in support of his client's application and in clarification of questions raised by Members, the Board **APPROVED** (1) a variation to the layout plan to allow the addition of a free standing display within the existing alcohol display area, and (2) a variation to the operating plan to reflect an increased capacity of 310.86m².

LB40. Asda, Dock Road, Grangemouth

There was submitted Report (circulated) dated 29 August 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.

After discussion, and having heard from the applicant's agent in support of his client's application and in clarification of questions raised by Members, the Board **APPROVED** (1) a

variation to the layout plan showing an increase in the height of the existing display area to permit the storage of alcohol, and (2) a variation to the operating plan to reflect an increased capacity of 48m³.

The Board imposed the following conditions:

- notices shall be displayed in a prominent position in the alcohol display area advising customers that the alcohol on the additional shelf is not for sale, and
- prices will not be shown against the alcohol stored on the additional shelf

LB41. Fusco's, Redding Road, Reddingmuirhead, Falkirk

There was submitted Report (circulated) dated 15 August 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.

Mr Thomson, agent for the applicant, was in attendance with his client's, Mr & Mrs French. He advised the Board that Alchemy Inns, who are the premises licence holder, had given authorisation to his clients to act on their behalf.

The Board **NOTED** that four objections had been received in respect of the variation application and that the objectors were in attendance.

Mr Thomson advised that he had a preliminary matter concerning an objection which had been received by email. After clarification was given to Mr Thomson, copies of the objections were circulated to Members.

Mr & Mrs Wood, objectors, were heard in support of their objections and in clarification of questions raised by Members.

Mr Kerracher, objector, was then heard in support of his objection and in clarification of questions raised by Members.

Having heard from the applicant's agent in clarification of specific aspects of the variation application and, in particular, the proposed outside drinking area, the Board **AGREED** to **CONTINUE** the application to allow an inspection of the premises to be carried out by Licensing Board Members.

The Convener advised Mrs Fusco, an objector to the application, that her objection would be considered when the matter was next called before the Licensing Board.

LB42. GKR Foodstore, 46 Seaforth Road, Langlees

There was submitted Report (circulated) dated 15 August 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 **NOTED** that an objection had been received in respect of the variation application from the local Community Council. No representatives from the Community Council were in attendance.

The applicant's agent, Mr Sandeman, advised that he wished clarification about the objection submitted. Having heard from the Consumer Protection Manager in explanation of the validity of the objection, Mr Sandeman confirmed that he was content for the objection to be circulated. Accordingly, a copy of the objection was circulated to Members.

After hearing from the applicant's agent in support of his client's application, the Board **GRANTED** the following variation to the current licence:

- (1) to amend the current off-sales trading hours of the premises on Sundays to:

1000 hrs to 2200 hrs

LB43. Glenbervie Golf Club, Stirling Road, Larbert

There was submitted Report (circulated) dated 30 August 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.

After discussion, and having heard from the applicant in support of his application and in clarification of questions raised by Members, the Board **GRANTED** the following variation to the current licence:

- (1) to vary the access areas and times for children and young persons as follows:

- children aged 0-11 years until 2230 hrs
- children and young persons aged 12-17 years until the terminal hour
- children and young persons will be allowed entry to all parts of the premises with children aged 0-8 years being restricted to the dining room only after 2000 hrs.

LB44. Aniel Brothers Stores, 5 Northfield Road, Denny

There was submitted Report (circulated) dated 30 August 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.

After discussion, and having heard from the applicant's agent in support of his client's application and in clarification of questions raised by Members, the Board **GRANTED** the following variation to the current licence:

- (1) to amend the current off-sales trading hours of the premises to:

Monday to Sunday 1000 hrs to 2200 hrs

The Board agreed to a short adjournment. The Board adjourned at 11.40 a.m. and reconvened at 11.50 a.m. with all Members present as per the sederunt, with the exception of Councillor Goldie.

LB45. Mandeep Bassi

There was submitted Report (circulated) dated 13 September 2012 by the Clerk to the Licensing Board (a) referring to the Review Hearing of the premises licence for M&S Licensed Grocers, 7 Kings Road, Grangemouth held on 28 March, 27 June and 15 August 2012; (b) detailing the Board's finding in terms of section 84(2) of the Licensing (Scotland) Act 2005 that the personal licence holder, Mandeep Bassi, while working on the premises at M&S Licensed Grocers, 7 Kings Road, Grangemouth, had 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 Mandeep Bassi's personal licence.

Mandeep Bassi, personal licence holder, was in attendance and accompanied by his agent, Mr Travers.

The Board heard from Mr Travers in support of his client and in relation to the preventative measures which his client had put in place since the incident which had resulted in the premises licence review hearing.

Questions were then asked by Members of the Board.

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 the licensing objectives of preventing crime and disorder, securing public safety and protecting children from harm to make an Order in terms of section 84(7) **ENDORISING** Mandeep Bassi's personal licence 08/05751 issued by Edinburgh Licensing Board.