

FALKIRK COUNCIL

MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 14 NOVEMBER 2012 at 9.30 A.M.

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

CONVENER: Councillor Nicol.

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); Environmental Health Officer (A Hillis); Inspector D Gibson; Sergeant P Rollo and PC A Kane, Central Scotland Police.

LB57. APOLOGIES

Apologies for absence were intimated on behalf of Councillors McNally and Ritchie.

LB58. DECLARATIONS OF INTEREST

No declarations were made.

LB59. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Licensing Board held on 10 October 2012.

LB60. ORDER OF BUSINESS

The Convener advised that he intended to vary the order of business. The following items have been recorded in the order that they were taken at the meeting.

LB61. REFINERY CONNECT, 176 BO'NESS ROAD, GRANGEMOUTH

There was submitted Report (circulated) dated 31 October 2012 from the Clerk to the Licensing Board providing details of an application made in terms of the Licensing (Scotland) Act 2005 for the grant of a new premises licence.

Having heard from Mr Travers, agent for the applicant, the Board **AGREED** to his request to **CONTINUE** the matter to a future meeting of the Board.

LB62. STORM NIGHTCLUB, MEADOW STREET, FALKIRK

There was submitted Report (circulated) dated 31 October 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.

Having heard from the applicant in support of his application, and in clarification of questions raised by Members, the Board **GRANTED** the following festive period extended hours:

- (1) Sunday 23 December from 2300 hours to 0300 hours;
- (2) Monday 24 December from 2300 hours to 0300 hours;
- (3) Wednesday 26 December from 2300 hours to 0300 hours;
- (4) Monday 31 December from 2300 hours to 0300 hours, and
- (5) Wednesday 2 January 2013 from 2300 hours to 0300 hours.

LB63. NEWTOWN SUPERMARKET, BAKER STREET, BO'NESS

With reference to Minute of Meeting of the Licensing Board held on 20 September 2012 (paragraph LB38 refers), there was submitted Report (circulated) dated 31 October 2012 from the Clerk to the Licensing Board (a) 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; (b) advising that the application was part heard on 20 September and continued to allow (i) an inspection of the premises to be carried out by Members of the Board, and (ii) Central Scotland Police to be in attendance and to provide an anti-social behaviour report, and (c) confirming that Members of the Board had inspected the premises on the evening of 26 October 2012.

The applicant, Mohammed Sajid, was in attendance together with his shop manager, Melanie Blackburn.

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

There being no preliminary matters, copies of the anti-social behaviour report, which had been supplied by Central Scotland Police, were circulated.

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

Sergeant Rollo was then heard in relation to the contents of the anti-social behaviour report and in clarification of questions raised by Members.

Mr Sajid was heard in response to the objections and in clarification of questions raised by Members. He also spoke in support of his application and referred to a petition in support of his application, which was circulated to Members.

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

(1) the trading hours of the premises be varied to:

Monday to Saturday	1000 hrs to 2000 hrs
Sunday	1000 hrs to 1400 hrs

(2) the addition of recorded music to the approved operating plan

The Board also **AGREED** to attach the following conditions to the current licence, namely:

- that all sales of alcohol must be entered through a till with a facility to print itemised sales. Any such till must have a date and time facility and must be maintained in proper working order at all times. A print out of relevant sales must be provided to police or a Licensing Standards Officer on request, and
- that a CCTV system covering all areas of the premises available to the public must be maintained at all times in full working order in accordance with guidance provided by the Information Commissioner and to the satisfaction of the Chief Constable and Licensing Standards Officer. Should any CCTV footage be required by the police it must be provided without delay.

LB64. THE ORCHARD HOTEL, 2 KERSE LANE, FALKIRK

With reference to Minute of Meeting of the Licensing Board held on 10 October 2012 (paragraph LB53 refers), there was submitted Report (circulated) dated 31 October 2012 from the Clerk to the Licensing Board (a) 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; (b) advising that the application was part heard on 10 October and continued to (i) allow an inspection of the premises to be carried out by Members of the Board, and (ii) give Members and the applicant's agent an opportunity to view video footage submitted by an objector, and (c) confirming that Members of the Board had made an unannounced inspection of the premises on the evening of 26 October 2012.

The Board **NOTED** that seven objections had been received and that three objectors were in attendance.

The Consumer Protection Manager advised that video footage had been supplied by Mr Lumsden, objector, and that the applicant's agent had been provided with a copy. She further advised that the video footage would be shown prior to consideration of this item.

Mr Lumsden was heard in clarification of questions raised by Members relating to his video footage.

Mr McIver, applicant's agent was then heard in response to the objections lodged and in clarification of questions raised by Members.

The Board agreed to a short adjournment. The Board adjourned at 11.15 a.m. and reconvened at 11.30 a.m. with all Members present as per the sederunt.

Mr McIver was further heard in support of his client's variation application and in clarification of questions raised by Members.

The Board agreed to a short adjournment. The Board adjourned at 11.50 a.m. and reconvened at 12.00 noon with all Members present as per the sederunt.

Councillor Nicol, seconded by Councillor Hughes moved that the application be **GRANTED**, subject to the following conditions, namely:

- (1) the outside speakers situated to the front of the premises must be turned off not later than 10 pm, and
- (2) that no music will be played at the rear of the premises.

By way of an amendment, Councillor D Goldie, seconded by Councillor Nimmo moved that the application be **REFUSED** on the grounds that the variation application would be inconsistent with the licensing objective, preventing public nuisance.

On a division, 6 Members voted for the Motion and 2 for the Amendment.

Accordingly, **AGREED:-**

- (1) to vary the access times and arrangements for children and young persons as follows:
 - children or young persons who are attending a pre-booked function will be entitled to stay on the premises for the duration of the function;
 - children who are consuming a meal must vacate the premises by 2300 hrs (this restriction does not apply to resident children or young persons);
 - children and young persons will only be permitted in the public bar area until 1800 hrs for the purpose of consumption of a meal or whilst awaiting a table in the bistro area.
- (2) removal of the specific condition that "No amplified music shall be audible at the rear of the premises"

The Board also **AGREED** to attach the following conditions to the current licence, namely:

- the outside speakers situated to the front of the premises must be turned off not later than 10 pm, and
- that no music will be played at the rear of the premises.

LB65. S&N GROCERS, 18 HOLYROOD PLACE, STENHOUSEMUIR

There was submitted Report (circulated) dated 31 October 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 the applicant was not in attendance.

After hearing from the Convener, the Board **AGREED** to **CONTINUE** the application to a future meeting of the Board to allow the applicant to be in attendance.

Councillor Buchanan left the meeting prior to consideration of the following item of business.

LB66. FUSCO'S, REDDING ROAD, REDDINGMUIRHEAD, FALKIRK

With reference to Minute of Meeting of the Licensing Board held on 20 September 2012 (paragraph LB41 refers), there was submitted Report (circulated) dated 31 October 2012 from the Clerk to the Licensing Board (a) 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; (b) advising that the application was part heard on 20 September and continued to allow an inspection of the premises to be carried out by Members of the Board, and (c) confirming that Members of the Board had made an unannounced inspection of the premises on the evening of 26 October 2012.

Mr Thomson, agent for the applicant was in attendance.

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

Mrs Fusco, objector, was heard in support of her objection and in clarification of questions raised by Members.

Mr McKerracher, objector, was heard in support of his objection.

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

- (1) to vary the access times and arrangements for children and young persons as follows:
 - children will require to be accompanied by an adult;
 - children and young persons will not be permitted to sit at bar counters nor to stand in the bar areas of the premises;
 - children and young persons will not be permitted to use gaming machines nor partake in any games with an element of gaming
 - children and young persons shall be allowed entry until 2200 hrs for the purposes of taking a meal or for the duration of a function, if later, and
 - children and young persons will be allowed entry to all public parts of the premises.

- (2) to vary the trading hours as follows:

On-Sales:

Sunday to Thursday 1100 hrs to 2400 hrs

Friday and Saturday 1100 hrs to 0100 hrs

Off-Sales

Monday to Sunday 1100 hrs to 2200 hrs

- (3) additions to the list of approved activities as follows:
 - (i) conference facilities, theatre, films, indoor/outdoor sports and outdoor drinking facilities within and outwith core licensed hours;
 - (ii) restaurant facilities, bar meals, live performances and televised sports outwith core licensed hours.
- (4) the removal of adult entertainment from the list of approved activities;
- (5) a change to the layout plan to incorporate the addition of an outside drinking facility, which facility will have a terminal hour of 2200 hrs; and
- (6) to change the name of the premises from Fusco's to the Craiglee Inn.

The Board also **AGREED** to attach the following conditions to the current licence, namely:

- that televised sport will only be permitted in the function suite, and
- use of the outside drinking facility will not be permitted until such time as the appropriate planning consent has been granted.

LB67. SHAGUFTA BANO

The Convener advised that a request to continue this matter had been received from the agent for the appellant.

The Board **AGREED** to the request to **CONTINUE** the matter to a future meeting of the Board.

LB68. SHAA'ISTA BANO

The Convener advised that a request to continue this matter had been received from the agent for the appellant.

The Board **AGREED** to the request to **CONTINUE** the matter to a future meeting of the Board.