

**FALKIRK COUNCIL**

**MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 20 FEBRUARY 2013 at 9.30 A.M.**

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

**CONVENER:** Councillor Nicol.

**ATTENDING:** Clerk; Consumer Protection Manager; Solicitor (P Gilmour) and Committee Services Officer (A Fraser).

**ALSO**

**ATTENDING:** Licensing Standards Officers (D Frood and T Ross); Sergeant P Rollo, and PC A Kane, Central Scotland Police.

**LB96. APOLOGIES**

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

**LB97. DECLARATIONS OF INTEREST**

No declarations were made.

**LB98. MINUTE**

There was submitted and **APPROVED** Minute of Meeting of the Licensing Board held on 23 January 2013.

**LB99. ALDI, SITE TO WEST OF MARINER LEISURE CENTRE, REDBRAE ROAD, CAMELON**

There was submitted Report (circulated) dated 24 January 2013 from the Clerk to the Licensing Board providing details of an application made in terms of section 23 of the Licensing (Scotland) Act 2005 for the grant of a provisional premises licence.

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 application for a provisional premises licence.

The agent gave an undertaking to submit a copy of the statement on how the Licensing Objectives, specific to this store, would be addressed, once construction is complete.

Councillor Goldie joined the meeting after consideration of the foregoing item of business.

## **LB100. CALLENDAR ARMS, 1 CALLENDAR ROAD, FALKIRK**

With reference to Minute of Meeting of the Licensing Board held on 23 January 2013 (Paragraph LB90 refers), there was submitted Report (circulated) dated 24 January 2013 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 23 January 2013 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 a site inspection of the premises on 6 February 2013.

The Clerk advised that the applicant's agent had agreed to the application being heard as new, due to the difference in member composition of the Licensing Board to that of the meeting on 23 January.

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 variations to the current licence, subject to the amendments made by the applicant being reflected in the operating plan submitted with the application:-

- (1) to vary the access hours for children and young persons, namely:
  - children and young persons will only be allowed access if accompanied by a person of not less than 18 years of age and for the purpose of the consumption of a meal sold or supplied on the premises
  - children aged 0-15 years and young persons aged 16-17 years will be allowed entry
  - children and young persons will be allowed entry Monday to Saturday from 0900 hrs to 2100 hrs and Sunday 1000 hrs to 2100 hrs for the purpose of partaking a table meal
  - children and young persons will be allowed access to the parts of the premises as indicated on the layout plan
- (2) to amend the on and off sales trading hours as follows:  
  

<b>On Sales</b>	
Monday to Thursday	1000 hrs to 2400 hrs
Friday and Saturday	1000 hrs to 0100 hrs
Sunday	1100 hrs to 2400 hrs
<b>Off Sales</b>	
Monday to Saturday	1000 hrs to 2200 hrs
Sunday	1100 hrs to 2200 hrs
- (3) to amend the layout of the premises as detailed on the plan submitted with the application, and
- (4) to add to the list of activities the following:
  - conference facilities within and outwith core licensed hours
  - restaurant facilities outwith core licensed hours
  - bar meals outwith core licensed hours
  - live performances outwith core licensed hours
  - gaming outwith core licensed hours

- televised sport outwith core licensed hours
- outdoor drinking facilities within and outwith core licensed hours, but that the terminal hour for outdoor drinking is 1900 hrs

The applicant's agent gave an undertaking that entertainment on Friday and Saturday evenings would not commence before 2230 hours.

Sergeant Rollo, Central Scotland Police confirmed that the issues raised in the representation by the Chief Constable had been suitably addressed by the applicant's subsequent amendments to the application.

#### **LB101. CASA ESPANOLA, 142 GRAHAMS ROAD, FALKIRK**

There was submitted Report (circulated) dated 24 January 2013 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.

Having heard from the applicants in support of their application and in clarification of questions raised by Members, the Board **GRANTED** the following variations to the current licence:-

- (1) to vary the on-sales trading hours as follows:

Monday & Sunday	1200 hrs to 2300 hrs
Friday & Saturday	1200 hrs to 2400 hrs

- (2) to change the name of the premises to the Jambo Grill.

#### **LB102. SHEENA WOODS**

There was submitted Report (circulated) dated 30 January 2013 by the Clerk to the Licensing Board (a) referring to the Review Hearing of the premises licence for The Phoenix, Manuel Terrace, Whitecross held on 23 January 2013; (b) detailing the Board's finding in terms of section 84(2) of the Licensing (Scotland) Act 2005 that the designated premises manager, Sheena Woods, being a personal licence holder, while working on the premises at The Phoenix, Manuel Terrace, Whitecross had acted in a manner which was inconsistent with the licensing objectives of preventing crime and disorder, and securing public safety, and (c) advising that in terms of section 84(3)(a) of the 2005 Act, the Board must now hold a Hearing on Sheena Wood's personal licence.

Sheena Woods, personal licence holder, was in attendance.

The Board heard from Mrs Woods in relation to the preventative measures which she 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 and securing public safety to make an Order in terms of section 84(7) **ENDORISING** Sheena Wood's personal licence FC1252.