

FALKIRK COUNCIL

MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 17 APRIL 2013 at 9.30 A.M.

PRESENT: Councillors Black, McLuckie, McNally, Nicol and Nimmo.

CONVENER: Councillor Nicol.

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

ALSO

ATTENDING: Licensing Standards Officers (D Froud and T Ross); Inspector P Rollo and PC A Kane, Police Scotland.

The following items have been recorded in the order that they were taken at the meeting.

LB1. APOLOGIES

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

LB2. DECLARATIONS OF INTEREST

No declarations were made.

LB3. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Licensing Board held on 20 March 2013.

LB4. RE-SCHEDULED DATE OF LICENSING BOARD MEETING

There was submitted Report (circulated) dated 25 March 2013 from the Clerk to the Licensing Board (a) confirming that the Board had previously agreed the meeting dates of the Licensing Board for 2013; (b) advising that the date set for the December meeting now falls on a scheduled Falkirk Council meeting, and (c) seeking approval to change the date of the Board meeting from 11 December to 10 December 2013.

AGREED to change the date of the Licensing Board meeting from 11 December to 10 December 2013.

LB5. RICHMOND PARK HOTEL, 26 LINLITHGOW ROAD, BO'NESS

There was submitted Report (circulated) dated 10 April 2013 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 authorisation.

The Board **NOTED** that the applicant was not in attendance.

After discussion, the Board **REFUSED** the extended hours application for want of insistence.

LB6. MAHRATTA, 173-175 BO'NESS ROAD, GRANGEMOUTH

With reference to Minute of Meeting of the Licensing Board held on 20 March 2013 (Paragraph LB110 refers), there was submitted Report (circulated) dated 10 April 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 determined on 20 March and that various aspects of the variation application were 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 2 April 2013.

The applicant's agent agreed to the remaining aspects of the application being determined today, despite the difference in member composition of the Licensing Board to that of the meeting on 20 March 2013.

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, namely:-

- (1) to amend the layout of the premises as follows and as detailed on the amended layout plan, which was tabled at the meeting:
 - the addition of a vestibule to the function room to create an improved entrance
 - reconfiguration of the existing function room entrance doors and
 - creation of a new outdoor drinking facility adjacent to the function room, but that the terminal hour for outdoor drinking will be 2200 hrs

The applicant's agent gave an undertaking to submit a further modified plan to show that children and young persons have no access to the whole public bar area. The Board previously agreed at the meeting on 20 March that children and young persons would only be allowed to use the small fixed seating area (bay window) in the public bar whilst awaiting a table in the restaurant and this is to be reflected in the modified plan.

LB7. HOLLANDBUSH SUPERSAVER LICENSED GROCER, HOLLANDBUSH AVENUE, BANKNOCK

There was submitted Report (circulated) dated 10 April 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.

The Board **NOTED** that a representation had been submitted from Banknock, Higgs and Longcroft Community Council which neither supported nor objected to the application.

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

After discussion, the Board **AGREED** to **CONTINUE** the application to a future meeting of the Licensing Board to allow an inspection of the premises to be carried out by Licensing Board Members.

LB8. THE SONGBIRD BAR AND FUNCTION SUITE, 209 STIRLING STREET, DUNIPACE

There was submitted Report (circulated) dated 10 April 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 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, namely:-

(1) to amend the on and off sales trading hours as follows:

On Sales Sunday 1100 hrs to 2400 hrs

Off Sales Sunday 1100 hrs to 2200 hrs

(2) to the addition of the following to the list of approved facilities:

- accommodation
- conference facilities within and outwith core hours
- restaurant facilities within and outwith core hours
- bar meals within and outwith core hours
- outdoor drinking facilities within core hours, but that the terminal hour for outdoor drinking will be 2200 hrs

(3) to vary children and young persons access to the premises as follows:

- children and young persons will be allowed entry whilst accompanied by an adult for the purposes of having a meal or attending a private function
- children aged 0-15 years and young persons aged 16 & 17 years will be allowed entry for the foregoing purposes
- children aged 0-8 years will be allowed entry until 2100 hrs; children aged 9-15 years and young persons aged 16 & 17 years will be allowed entry until the terminal hour for the foregoing purposes
- children and young persons will be allowed entry to the function area and outdoor drinking area for the foregoing purposes

The Board imposed the following conditions:

- (1) alcohol will be permitted on Sundays between 1100 to 1230 hrs only if food is being provided;
- (2) a CCTV system will be in operation at all times to monitor the outside drinking area;

- (3) plastic glasses are to be used at all times within the outdoor drinking area, and
- (4) the terminal hour for the outdoor drinking facility will be 2200 hrs.

The Board agreed to a short adjournment. The Board adjourned at 10.20 a.m. and reconvened at 10.30 a.m. with all Members present as per the sederunt.

LB9. CITY FALKIRK, 8-12 PRINCES STREET, FALKIRK

There was submitted Report (circulated) dated 10 April 2013 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 authorisation.

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 extended hours application for an additional one hour from 0200 to 0300 hours on Monday 27 May 2013.

LB10. PREMISES LICENCE REVIEW APPLICATION – RK FOODSTORE, 120 HAUGH STREET, BAINSFORD

There was submitted Report (circulated) dated 2 April 2013 from the Clerk to the Licensing Board (a) advising that an application had been received from the Chief Constable, Central Scotland Police to review the premises licence in respect of RK Foodstore, 120 Haugh Street, Bainsford, details of which were circulated as an Appendix to the Report; (b) summarising the review process in terms of section 36 of the Licensing (Scotland) Act 2005, and (c) attaching as a further Appendix to the Report, the Licensing Standards Officer's report in terms of section 38(4) of the 2005 Act.

Haroon Rashid, the premises licence holder was in attendance and accompanied by his agent, Mr Thomson.

Inspector Rollo was heard in amplification of the matters set out in the Chief Constable's premises licence review request which focused on alcohol allegedly being sold without proper staff training records being in place, on alcohol being sold by untrained members of staff and without the premises having an age verification policy in place, and on the employment of a member of staff who had no authority to be in the United Kingdom.

Questions were then asked by Members of the Board.

There being no further questions to Inspector Rollo, the Board invited Mr Thomson to make his submission on behalf of his client.

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

The Board took a short adjournment. The Board adjourned at 11.40 a.m. and reconvened at 11.55 a.m.

The Licensing Standards Officer was then heard in clarification of questions raised by Members of the Board.

Both parties summed up.

The Board adjourned for consideration and advice at 12.30 p.m. and reconvened at 12.50 p.m.

After due consideration of the matter before it, and in accordance with section 39 of the Act, the Board **AGREED** that grounds for review in terms of section 36(3)(b) of the Act were established relevant to the licensing objective of preventing crime and disorder.

The Board in terms of section 39(2) accordingly took the following steps which they considered necessary or appropriate for the purposes of the foregoing licensing objective:-

(a) to issue a written warning to the premises licence holder.

Also, in terms of section 84(2) of the Licensing (Scotland) Act 2005, the Board made a finding that Haroon Rashid had acted, while working in the licensed premises at RK Foodstore, 120 Haugh Street, Bainsford in a manner which was inconsistent with the foregoing licensing objective.

The Board accordingly instructed the Clerk to arrange a hearing under section 84(3)(a) in relation to Mr Rashid's Personal Licence.

Given the Board's concerns and to ensure that the premises are appropriately monitored and managed, the applicant's agent gave the following undertakings:

- the till which does not have the facility to itemise goods will be removed from the premises
- all sales of alcohol will be entered through the remaining till which does have the facility to print itemised sales and that any additional till installed will have this facility
- the premises licence holder and all staff will be trained on the operation of the premises CCTV system
- a refusals book will be kept and maintained on the premises