

FALKIRK COUNCIL

MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 11 SEPTEMBER 2013 at 9.30 A.M.

**PRESENT:** Councillors Black, Hughes, McLuckie, Ritchie and Turner.

**CONVENER:** Councillor Black.

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

**ALSO**

**ATTENDING:** Licensing Standards Officers (D Frod and T Ross) and Environmental Health Officer (S Henderson).

**LB56. APOLOGIES**

Apologies for absence were intimated on behalf of Baillie Buchanan and Councillors McNally, Nicol and Nimmo.

**LB57. DECLARATIONS OF INTEREST**

No declarations were made.

**LB58. MINUTE**

The minute of the meeting of the Licensing Board held on 14 August 2013 was approved.

**LB59. GRANGE MANOR HOTEL, GLENSBURGH ROAD, GRANGEMOUTH**

There was submitted Report (circulated) dated 28 August 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.

Having heard from the applicant's representative in support of the application and in clarification of questions raised by Members, the Board **GRANTED** the extended hours application from 2400 hrs on Sunday 22 September to 0100 hrs on Monday 23 September 2013 for a wedding.

#### **LB60. CARRONVALE FILLING STATION, MAIN STREET, LARBERT**

There was submitted Report (circulated) dated 2 September 2013 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 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, and having had regard to the information contained within the customer profiling research of persons in the locality using the premises, the Board determined that the premises were not excluded premises standing the terms of s.123(5) of the Act, particularly with regard to the sale of petrol or derv, and accordingly **GRANTED** the application for a provisional premises licence.

#### **LB61. LAURIES BAR, 61 MARY STREET, LAURIESTON**

With reference to Minute of Meeting of the Licensing Board held on 14 August 2013 (Paragraph LB47 refers), there was submitted Report (circulated) dated 28 August 2013 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 provisional premises licence.

The applicant's agent 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 14 August.

The Board **NOTED** that one objection and two representations had been received in respect of the application and that Mr Robertson, who had submitted the representations, was in attendance.

There being no preliminary matters, copies of the objection and representations were circulated to Members.

Mr Robertson was heard in support of his representations and in clarification of questions raised by Members.

The applicant and his agent were then heard in relation to concerns raised in the representations and objection, the action to be taken to address specific issues, and in clarification of questions raised by Members.

The applicant's agent was then heard in support of the application.

After further discussion, the Board **GRANTED** the provisional licence application, subject to the following conditions, namely:-

- that the formal smoking area be located in the existing beer garden situated at the rear of the premises
- a replacement fence be erected at the rear beer garden area
- the double doors at the main entrance will remain closed during the evening to eliminate noise emanating from the premises
- the fire exit will be used for this purpose only and not for access and egress to the premises
- private functions will only be held in the restaurant area (upper tier)

- live music will cease 30 mins before the terminal hour
- no outdoor drinking will be permitted in the outdoor drinking area after 2200 hrs
- a CCTV system to a specification approved by the Chief Constable must be fitted and maintained in full working order at all times in accordance with guidance provided by the Information Commissioner. Any system fitted must be operational at all times the premises are open for business and images must be made available to any Licensing Standards Officer or Police Officer on request for the purposes of the investigation and detection of crime.

**LB62. OUTSIDE INN, GLENBERVIE BUSINESS PARK, BELLSDYKE ROAD, LARBERT**

There was submitted report (circulated) dated 3 September 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 representative in support of the application and in clarification of questions raised by Members, 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.

**LB63. PENNIES (DOWNSTAIRS), FORTH COMPLEX, GRANGEMOUTH, FALKIRK**

There was submitted report (circulated) dated 3 September 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 variation to the current licence, namely:-

- (1) the addition of restaurant facilities and bar meals within core hours to the list of approved activities.

**LB64. PENNIES (UPSTAIRS), FORTH COMPLEX, GRANGEMOUTH, FALKIRK**

There was submitted report (circulated) dated 3 September 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 variation to the current licence, namely:-

- (1) the addition of restaurant facilities and bar meals within core hours to the list of approved activities.

**LB65. PERSONAL LICENCE REVIEW – MOHAMMAD USMAN ASLAM CHOUDHRY**

There was submitted report (circulated) dated 28 August 2013 by the Clerk to the Licensing Board (a) referring to the Review Hearing of the premises licence for The Local Store, 18 Nisbet Drive, Denny held on 14 August 2013; (b) detailing the Board's finding in terms of section 84(2) of the Licensing (Scotland) Act 2005 that the designated premises manager, Mohammad Usman Aslam Choudhry, being a personal licence holder, while working on the premises at The Local Store, 18 Nisbet Drive, Denny had acted in a manner which was inconsistent with the licensing objective of preventing crime and disorder, 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 Mohammad Usman Aslam Choudhry's personal licence.

Mohammad Choudhry, personal licence holder, was in attendance and accompanied by an interpreter to assist him in the proceedings.

The Board heard from Mr Choudhry in support of the preventative measures which he had put in place since the incident which had resulted in the premises licence review hearing.

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

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

The Board agreed to a short adjournment. The Board adjourned at 11.50 a.m. and reconvened at 12.00 noon.

After due consideration of the matter before it, the Board expressed its serious concern at the lack of knowledge of the Licensing Objectives exhibited by the personal licence holder. The Board accordingly **AGREED** to **CONTINUE** the matter to a future meeting of the Licensing Board to allow the personal licence holder an opportunity to refresh his knowledge and understanding of the licensing objectives, to the satisfaction of the Board.