

**FALKIRK COUNCIL**

**MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 13 AUGUST 2014 at 9.30 A.M.**

**PRESENT:** Councillor Black, Hughes, McLuckie, Nicol, Nimmo and Turner.

**CONVENER:** Councillor Nicol.

**ATTENDING:** Clerk; Consumer Protection Manager; Solicitor (P Gilmour); Licensing Assistant (L Burgess); Committee Services Officers (A Fraser and J Frawley).

**ALSO  
ATTENDING:** Licensing Standards Officer (D Frood).

**LB28. APOLOGIES**

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

**LB29. DECLARATIONS OF INTEREST**

No declarations were made.

**LB30. MINUTE**

The minute of the meeting of the Licensing Board held on 4 June 2014 was approved.

**LB31. COFFEE ON WOOER STREET, 2-4 WOOER STREET, FALKIRK**

With reference to Minute of Meeting of the Licensing Board held on 4 June 2014 (Paragraph LB15 refers), there was submitted report (circulated) dated 28 July 2014 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 provisional premises licence; (b) advising that the application was part heard on 4 June 2014 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 August 2014.

A copy of the proposed layout plan was circulated to Members.

The Board **NOTED** that one objection had been received in respect of the application and that Mr Lowe, objector, was in attendance accompanied by Mr Reilly, Kingdom Taverns.

The Convener advised that copies of the objection had been circulated prior to the site visit, which had allowed specific issues to be addressed on site. He further advised that the applicant, his agent Mr Thomson, Mr Lowe and Mr Reilly had all attended the site visit.

The Board heard from Mr Lowe in relation to specific aspects of his objection and in clarification of questions raised by Members.

Mr Thomson was then heard in support of his client's application and in relation to concerns raised in the objection, the action to be taken to address specific issues, and in clarification of questions raised by Members.

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

- (1) the outdoor drinking area will be available only when a commercial occupation permit from the Roads Authority is in force;
- (2) the terminal hour for the outside drinking area will be 2030 hrs;
- (3) the ordering of meals for consumption in the outdoor area will not be permitted after 2000 hrs;
- (4) that there is a physical barrier separating the outdoor drinking area, and
- (5) that the premises be restricted to one beer/lager font.

#### **LB32. NEW SHIP INN, 102 NEWHOUSE ROAD, GRANGEMOUTH**

With reference to Minute of Meeting of the Licensing Board held on 4 June 2014 (Paragraph LB19 refers), there was submitted report (circulated) dated 28 July 2014 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 4 June 2014 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 August 2014.

The Board **NOTED** that one objection had been received within the statutory objection period and that the objector, Mr Frew was in attendance.

The Board were advised that a further two objections had been received outwith the statutory objection period. The applicant's agent, Mr McGowan, confirmed that he had had sight of these objections and had no issue with them being circulated to Members. Accordingly, copies were circulated to Members. Both objectors, Mr Laing and Ms Sneddon, were in attendance.

The objectors were heard in support of their objections and in clarification of questions raised by Members.

The Board then heard from Mr McGowan in relation to concerns raised in the objections, the action to be taken to address specific issues, and in clarification of questions raised by Members.

Having heard further from the applicant's agent in support of the application and in clarification of questions raised by Members, the Board **GRANTED** a seasonal variation for a period of six months to include an outdoor drinking area as shown delineated on the plan submitted with the application. The terminal hour for the outdoor drinking facility will be 2000 hrs.

It was **NOTED** that this area would now be the designated smoking area for the premises.

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

- (1) that the door to the decking area will not be used after 2000 hrs so as to minimise noise nuisance;
- (2) to display notices alerting patrons that the premises is within a residential area and that noise levels should be kept to a minimum;
- (3) that staff regularly monitor and check the outdoor drinking area, and
- (4) that the smoking area and adjacent footpath be cleaned on a regular basis to minimise litter nuisance.

The applicant gave an undertaking to submit an amended layout plan to include the decking area which is situated at the side of the property and is to be used only for access purposes to the proposed outdoor drinking area.

### **LB33. APPLICATIONS FOR VARIATIONS TO PREMISES LICENCE**

There was submitted report (circulated) dated 25 July 2014 from the Clerk to the Licensing Board providing details of applications made in terms of section 29 of the Licensing (Scotland) Act 2005 for the grant of a variation to the premises licence for (1) Camelon Labour Pub, Nailer Road, Camelon, Falkirk, (2) Churchills, 192-198 Thornhill Road, Falkirk, (3) Spice Garden, 7 Callendar Road, Falkirk, and (4) Camelon Bowling Club, Main Street, Camelon.

#### **(1) Camelon Labour Pub, Nailer Road, Camelon, Falkirk**

Having heard from the applicant's representative in support of the application and in clarification of questions raised by Members, the Board **GRANTED** the following variations to the current licence, namely:-

- (a) that the on sale trading hours be varied as follows:

Monday to Thursday  
1100 hrs to 2400 hrs

Friday 1100 hrs to 0100 hrs

Saturday 1000 hrs to 0100 hrs

Sunday 1000 hrs to 2400 hrs

- (b) the addition of a seasonal variation to allow the premises to take advantage of the additional trading hours available in terms of Falkirk Council Licensing Board's festive hours trading policy by way of extended hours applications in terms of Section 68 of the Licensing (Scotland) Act 2005;
- (c) the addition of restaurant facilities within and outwith core operating hours to the list of approved activities;

- (d) the addition of conference facilities, receptions, club or other group meetings, recorded music, live performances, gaming and televised sport outwith the core operating hours to the list of approved activities;
- (e) the addition of meetings of community organisations, including toddlers and nursery groups and pensioners clubs, leisure, keep fit, dance clubs and the like to the list of any other activities; and
- (f) that access for children and young persons be varied as follows:
  - children and young persons will be allowed entry when accompanied by a responsible adult, for the purposes of attending a reception as referred to in Section 5(a) of the Operating Plan, an organised social function such as a youth or sports club fundraising or presentation event and the like; meeting for the purpose of departing/ returning by coach for a community or club trip or outing and attendance at a football match; in connection with meetings of community organisations including toddlers and nursery groups, pensioners' clubs and the like
  - children aged 0-15 years of age inclusive and young persons aged 16 & 17 years will be allowed entry
  - children aged 0-4 years will be allowed entry until 2230 hrs; children and young persons aged 5-17 years will be allowed entry until the terminal hour
  - children and young persons will be allowed entry to all areas of the premises with the exception of the members' lounge and will not be permitted to approach/sit at any bar counter area

**(2) Churchills, 192-198 Thornhill Road, Falkirk**

Having heard from the applicant in support of his application, the Board **GRANTED** the following variation to the current premises licence, namely:-

- that the off-sales trading hours be varied as follows:

Sunday to Monday  
1000 hrs to 2200 hrs

**(3) Spice Garden, 7 Callendar Road, Falkirk**

Having heard from the applicant in support of his application, the Board **GRANTED** the following variations to the current premises licence, namely:-

- (1) to the addition of off-sales trading hours as follows:

Sunday to Monday  
1200 hrs to 2200 hrs

- (2) the addition of receptions, club or other group meetings and recorded music within core operating hours to the list of approved activities;

- (3) the addition of recorded music within and outwith core operating hours to the list of approved activities, and
- (4) to the increase in capacity from 60 to 70 persons

**(4) Camelon Bowling Club, Main Street, Camelon**

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

- (1) that the on sales trading hours be varied as follows:

Sunday to Thursday  
1000 hrs to 2345 hrs

Friday and Saturday  
1000 hrs to 0100 hrs

- (2) the removal of the seasonal variation which relates to the hours the premises trades during the closed bowling season;
- (3) the addition of recorded music to the list of approved activities;
- (4) the addition of fitness classes to any other activities;
- (5) that access for children and young persons be varied as follows:
  - outwith and during the bowling season children and young persons, when accompanied by a responsible adult will be permitted access for bona fide functions. During the bowling season, junior bowling members aged 8-14 years must be accompanied when participating in matches or spectating until 2200 hrs; those junior members aged 15-17 years will be allowed to be unaccompanied when participating in matches or spectating until the terminal hour;
  - children aged 0-7 years of age will be permitted until 2200 hrs and those aged 8-17 years will be permitted until the terminal hour when attending a bona fide function
  - outwith the bowling season and throughout the year and when attending a function children and young persons will have access to the function suite (hall) only. During the bowling season (April to October), junior bowling members aged 8 years and over will be permitted in the lounge, main function hall, outside drinking area and toilets.

**LB34. LAURA SINCLAIR**

There was submitted Report (circulated) dated 29 July 2014 from the Clerk to the Licensing Board providing details of an application for a Personal Licence submitted in terms of section 72 of the Licensing (Scotland) Act 2005 and the Personal Licence (Scotland) Regulations 2007 for the grant of a personal licence.

Having heard from the applicant, the Board determined not to hold a hearing for the purpose of considering and determining the application.

Thereafter the application for a personal licence was **GRANTED** by operation of law.