

**FALKIRK COUNCIL**

**MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 3 FEBRUARY 2016 at 9.30 a.m.**

**PRESENT:** Baillie Buchanan; Councillors Black, Blackwood, Hughes, McLuckie, Meiklejohn, Nicol and Turner.

**CONVENER:** Councillor Nicol.

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

**ALSO**

**ATTENDING:** D Frood and T Ross, Licensing Standards Officers.

**LB69. APOLOGIES**

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

**LB70. DECLARATIONS OF INTEREST**

No declarations were intimated.

**LB71. MINUTE**

The minute of meeting of the Licensing Board held on 9 December 2015 was approved.

**LB72. APPLICATION FOR PROVISIONAL GRANT OF A PREMISES LICENCE  
HELIX HOTEL, 35 KERSE ROAD, GRANGEMOUTH, FALKIRK**

There was submitted report (circulated) dated 18 December 2015 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 provisional grant of a premises licence in respect of Helix Hotel, 35 Kerse Road, Grangemouth, Falkirk.

The Board **NOTED** that one objection had been received in respect of the application and that the objector was in attendance.

The applicant's agent advised that he had no preliminary matters to raise concerning the validity of the objection. Accordingly, a copy of the objection was circulated to members.

Mrs McIntosh was heard in support of her objection and in clarification of questions raised by Members.

Both the applicant's representative and the Licensing Standards Officer were heard in response to questions raised by members in relation to issues raised.

After hearing further from the applicant's agent in support of the application, the Board **GRANTED** the provisional premises licence, and attached the following conditions thereto, namely:-

- (1) that off sales are limited to customers purchasing a meal or attending a function, and
- (2) that the terminal hour for outdoor drinking will be 2200 hrs.

#### **LB73. APPLICATION FOR GRANT OF PREMISES LICENCE**

There was submitted report (circulated) dated 21 December 2015 from the Clerk to the Licensing Board providing details of an application made in terms of section 20 of the Licensing (Scotland) Act 2005 for the provisional grant of a premises licence in respect of Canada Wood Kitchen, Lochgreen Road, Falkirk, Dramfool, 4 Champany Holdings, Linlithgow and The Criterion Bar, 6-10 Stirling Street, Denny, Falkirk.

##### **Canada Wood Kitchen, Lochgreen Road, Falkirk**

Having heard from the applicant in support of the application and in clarification of questions raised by members, the Board **GRANTED** the premises licence.

##### **Dramfool, 4 Champany Holdings, Linlithgow**

Having heard from the applicant in support of the application and in clarification of questions raised by members, the Board **GRANTED** the premises licence.

##### **The Criterion Bar, 6-10 Stirling Street, Denny, 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 premises licence subject to an amendment to the Operating Plan to require that all children and young persons (5-17 years of age) must be accompanied by a responsible adult.

#### **LB74. APPLICATIONS FOR NON MINOR VARIATION TO PREMISES LICENCE**

There was submitted report (circulated) dated 6 January 2016 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 variations to the premises licences as detailed in Appendices 1 to 5 of the report for (1) Katie's Bar, 1 Callendar Road, Falkirk; (2) David's Kitchen, 50 Dalderse Avenue, Falkirk; (3) Spar, 254 Main Street,

Camelon; (4) The Spar Shop, 2 Bog Road, Banknock and Kincardine Way, Haughs of Airth, Falkirk

**Katie's Bar, 1 Callendar Road, Falkirk**

Having heard from the applicant's representative, the Board **GRANTED** the following variations to the current licence, namely to:-

- (1) amend specific condition number 1, namely, "evening entertainment on Friday and Saturday will not commence before 2000hrs", to allow live performances to commence from 1600hrs on Friday, Saturday and Sunday.
- (2) to vary the terms and times of access for children and young persons, as follows:
  - (i) children 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.
  - (ii) children and young persons will be allowed entry Monday to Saturday 0900hrs until 2000hrs and Sunday 1000hrs until 2000hrs. Children and young persons will not be permitted access after 1600hrs on a Friday, Saturday or Sunday if live performances are occurring on the premises.

**David's Kitchen, 50 Dalderse Avenue, Falkirk**

Having heard from the applicant, the Board **GRANTED** the following variation to the current licence, namely, to amend the Operating Plan to include reference to provision of tables and chairs for customers' use for the consumption of takeaway food.

**Spar, 254 Main Street, Camelon**

Having heard from the applicant, the Board **GRANTED** the following variations to the current licence, namely to:-

- (1) amend the Operating Plan to reflect:
  - the addition of the local main post office facility;
  - the addition of a National Lottery outlet;
  - the addition of charity collection boxes at till points;
  - charitable events to take place within the premises from time to time;
  - supervised complimentary wine sampling (not more than twice in any one year);
  - the addition of Paypoint facilities, and
  - the addition of an external automated cash machine;
- (2) to amend the layout plan to reflect to show the Post Office area, the relocated alcohol storage area and the sandwich counter and food preparation area, and
- (3) reduce the alcohol display capacity from 13.28m<sup>3</sup> to 13m<sup>3</sup>.

### **The Spar Shop, 2 Bog Road, Banknock**

Having heard from the applicant, the Board **GRANTED** the following variations to the current licence, namely:-

- (1) that the Sunday operating hours be amended to Off Sales – 1000hrs until 2000hrs, and
- (2) to amend the name of the premises to Costcutter.

### **Kincardine Way, Haughs of Airth, Falkirk**

Having heard from the applicant's representative, the Board **GRANTED** the following variations to the current licence, namely to:-

- (1) amend the layout plan to reflect:
  - the creation of a den room;
  - the addition of a store room;
  - the addition of fixed seating and reconfiguration of screens in the fun factory area, and
  - the extension to the hotel accommodation;
- (2) amend the capacity in the Operating Plan to show:
  - an increase in capacity from 275 to 353, and
  - an increase in the residential capacity from 120 to 198.

### **LB75. LILIAN HANNAH**

There was submitted Report (circulated) dated 11 January 2016 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 Clerk to the Licensing Board that the notification from Police Scotland was erroneous to the extent that the applicant had no relevant or foreign convictions, 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.

### **LB76. STATEMENT OF LICENSING BOARD POLICY**

There was submitted report (circulated) dated 1 February 2016 from the Clerk to the Licensing Board advising on the progress to date of the review of the Board's draft Statement of Licensing Policy. The report provided information on the Falkirk Alcohol Fact Sheet 2015; amendments to the draft Statement of Licensing Policy, and appended

the draft Falkirk Council Licensing Board Statement of Licensing Policy. The Consumer Protection Manager provided an overview of the report.

Having heard from the Consumer Protection Manager in relation to the report and from the Clerk to the Board and Consumer Protection Manager in clarification of questions raised by Members, the Board **AGREED** to adopt the Statement of Licensing Policy.