

DRAFT

FALKIRK COUNCIL

MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 13 APRIL 2016 at 9.30 a.m.

PRESENT: Baillie Buchanan; Councillors Black, Blackwood, Hughes, McLuckie, Nicol, Nimmo, Ritchie and Turner.

CONVENER: Councillor Nicol.

ATTENDING: Clerk; Licensing Officer (L McGarva), Committee Services Officer (A Fraser), and Licensing Assistant (C Henderson).

ALSO

ATTENDING: D Frood, Licensing Standards Officer.

LB1. APOLOGY

An apology for absence was intimated on behalf of Councillor Meiklejohn.

LB2. DECLARATIONS OF INTEREST

No declarations were intimated.

LB3. MINUTE

The minute of meeting of the Licensing Board held on 2 March 2016 was approved.

LB4. APPLICATIONS FOR PROVISIONAL GRANT OF PREMISES LICENCES

There was submitted report (circulated) dated 17 March 2016 from the Clerk to the Licensing Board providing details of applications made in terms of sections 20 and 45 of the Licensing (Scotland) Act 2005 for the provisional grant of a premises licence in respect of BP, Bowhouse Service Station, Bowhouse, Echobank, Maddiston and Haughs Petrol Filling Station, 46 Glasgow Road, Denny.

BP, Bowhouse Service Station, Bowhouse, Echobank, Maddiston

Having heard from the Clerk in relation to a continuation request by the applicant, the Board agreed to **CONTINUE** the matter to a future meeting of the Board.

Haugs Petrol Filling Station, 46 Glasgow Road, Denny

Having heard from the applicant's agent and having had regard to the information submitted, the Board determined that persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principle source of petrol or derv and consequently that the premises were not excluded premises standing the terms of Section 123(5) of the Act. The Board therefore **GRANTED** the application for a provisional licence.

LB5. APPLICATIONS FOR NON MINOR VARIATION TO PREMISES LICENCE

There was submitted report (circulated) dated 23 March 2016 from the Clerk of the Licensing Board providing details of applications made in terms of section 29 of the Licensing (Scotland) Act 2005 for the non minor variations to premises licences as detailed on Appendices 1 and 2 of the report for (1) Wheelhouse Restaurant, Millenium Wheel Drive, Camelon, and (2) Freebird, 42 Vicar Street, Falkirk.

Wheelhouse Restaurant, Millennium Wheel Drive, Camelon

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 to:-

- (1) vary the operating hours as follows:

On Sales

Sunday to Thursday
1000 hrs to 2400 hrs
Friday and Saturday
1000 hrs to 0100 hrs

Off Sales

Monday to Sunday
1000 hrs to 2200 hrs

- (2) the addition of a seasonal variation to allow the premises to open until 0200 hrs on 31 December each year;
- (3) the addition of the following activities to the approved list of activities within core operating hours:
 - Live performances
 - Dance facilities
 - Gaming
- (4) the addition of the following activities to the approved list of activities outwith core operating hours:
 - Conference facilities
 - Restaurant facilities
 - Bar meals

- Receptions, including weddings, funerals, birthdays, retirements etc
 - Club or other group meetings
 - Recorded music
 - Outdoor drinking facilities from 0900 hrs to 1000 hrs
- (5) the addition of televised sport within and outwith core operating hours; and
- (6) to change the access and times for children and young persons as follows:-
- a) children and young persons will be allowed entry whilst having a meal/snack, or when attending a function on the premises, however children must be accompanied by their parents or guardian
 - b) children and young persons 0-17 years will be allowed entry
 - c) children aged 0-8 years will be allowed entry from 0900 hrs until 2200 hrs; children 9-15 years and young persons will be allowed entry from 0900 hrs until the terminal hour
 - d) children and young persons will be allowed entry to the dining and lounge areas and toilets.
- (7) the terminal hour for outdoor drinking facilities be 2200 hrs.

Freebird, 42 Vicar Street, 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 to:-

- (1) vary the Sunday operating hours as follows:

On Sales

1100 hrs to 2400 hrs

Off Sales

1100 hrs to 2200 hrs

- (2) to allow children and young persons access to the premises as follows:
- a) children and young persons will be allowed access for the purpose of having a meal and whilst accompanied by a responsible adult;
 - b) children and young persons will be allowed access;
 - c) children and young persons will be allowed access until 2200 hrs, and
 - d) children and young persons will be allowed access to all public parts of the premises but will not be permitted to be within 1m of the bar counter

LB6. DAVID WALKER

There was submitted report (circulated) dated 19 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 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.

LB7. SEAN SHEARER

There was submitted report (circulated) dated 24 February 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 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.

LB8. PETROL STATION APPEAL – SPAR SHOP, 95 GLASGOW ROAD, CAMELON

There was submitted report (circulated) dated 4 April 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 new premises licence. The original refusal of the application on 13 July 2009 was the subject of appeal to the Sheriff Principal, said appeal being conceded by the Board and the matter remitted back to it by way of interlocutor dated 1 April 2016.

Having heard from the applicant's agent and having had regard to the information presented, the Board determined that persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principle source of petrol or derv and groceries and consequently that the premises were not excluded premises standing the terms of Section 123(5) of the Act, particularly with regard to the sale of petrol or derv, and accordingly **GRANTED** the application for a new premises licence.

LB9. THE QUEEN'S 90TH BIRTHDAY – 11 JUNE 2016

There was submitted report (circulated) dated 31 March 2016 from the Clerk to the Licensing Board (a) summarising the terms of section 67 of the Licensing (Scotland) Act 2005 which enables Licensing Boards to make a determination for premises to be open for specified, generally extending hours on special events, and (b) referring to the guidance whereby Boards may recognise that events of local, national or international significance may arise from time to time and which could not have been anticipated when operating plans was prepared.

The Board **AGREED** in terms of section 67 of the 2005 Act, and by way of general dispensation, to extend the licensed hours for premises operating by way of on-sales on Friday 10 and Saturday 11 June 2016 by one hour in recognition of the Queen's 90th birthday celebrations.