

## FALKIRK COUNCIL

### Minute of Meeting of the Licensing Board held in the Council Chambers, Municipal Buildings, Falkirk on Wednesday 16 November 2016 at 9.30 a.m.

**Present:** Baillie Buchanan; Councillors Blackwood; Hughes; McLuckie; Nicol; Ritchie and Turner.

**Convener:** Councillor Nicol.

**Attending:** Clerk; Consumer Protection Manager; Committee Services Officer (J Frawley), Licensing Assistant (C Henderson), and Modern Apprentice (E Lewis).

**Also**

**Attending:** Douglas Froom and Thomas Ross, Licensing Standards Officers; Crawford Sibbald, Environmental Health Officer and Chief Inspector D Armstrong, Sergeant M White, and Sergeant B Rennie, Police Scotland.

#### **LB42. Apologies**

Apologies for absence were intimated on behalf of Councillors Black, Meiklejohn and Nimmo.

#### **LB43. Declarations of Interest**

No declarations were intimated.

#### **LB44. Minute**

The minute of meeting of the Licensing Board held on 19 October 2016 was approved.

#### **LB45. Pierre's, 140 Grahams Road, Falkirk**

There was submitted report (circulated) dated 26 October 2016 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 for festive events.

Having heard from the applicant in support of the application and in clarification of questions raised by members, the Board **GRANTED** the following extended hours, namely:-

- (1) that the premises open on Monday 5, 12, and 19 in December 2016 and on Monday 2 January 2017 between the hours of 12 noon and 2300 hrs, and

- (2) to an additional one hour between the hours of 2300 hrs to 12 midnight on each Saturday in December 2016.

**LB46. Co-op, Maddiston Road, Rumford, Falkirk**

There was submitted report (circulated) dated 27 October 2016 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 provisional grant of premises licence.

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

**LB47. Applications for Grant of Premises Licences**

There was submitted report (circulated) dated 26 October 2016 from the Clerk to the Licensing Board providing details of applications made in terms of section 20 of the Licensing (Scotland) Act 2005 for the grant of premises licences as detailed on Appendices 1 & 2 to the report for (1) Il Gambero Rosso, Burnbank Road, Bainsford, Falkirk, and (2) Brian Clark Memorial Hall, Burnside Terrace, Camelon, Falkirk.

**Il Gambero Rosso, Burnbank Road, Bainsford, 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 application for a new premises licence.

**Brian Clark Memorial Hall, Burnside Terrace, Camelon, Falkirk**

The Board **NOTED** that nine objections had been received in respect of the application. The objectors had been invited to attend and 3 were in attendance, namely Jean Jamieson, David Malley, and Peter Redding.

The applicant advised that he had no preliminary matters to raise concerning the validity of the objections. Accordingly, copies of the objections were circulated to members.

Mr Redding was heard in support of his objection and in clarification of questions raised by members.

Mr Malley was then heard in support of his objection and in clarification of questions raised by members.

The Board then heard from Ms Jamieson in support of her objection and in clarification of questions raised by members.

The Board heard from the applicant in relation to concerns raised in the objections and in clarification of questions raised by members.

After a short 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 and requested that Police Scotland submit an Anti-social Behaviour report regarding the premises.

The Board agreed to a short adjournment at 11.05am and reconvened at 11.20am with all members present as per the sederunt.

#### **LB48. Applications for Non Minor Variations to Premises Licences**

There was submitted report (circulated) dated 28 October 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 variations to the premises licences as detailed on Appendices 1 & 2 to the report for (1) JSKS Licensed Grocer, 48a Grahams Road, Falkirk, and (2) Tam Bain Tavern, 96 Mary Street, Laurieston, Falkirk.

##### **JSKS Licensed Grocer, 48a Grahams Road, Falkirk**

The Board **NOTED** that two objections had been received in respect of the application. The objector had been invited and was not in attendance.

The applicant advised that he had no preliminary matters to raise concerning the validity of the objections. Accordingly, copies of the objections were circulated to members.

The applicant was then heard in support of his application and in clarification of questions raised by members.

After a short discussion the Board **GRANTED** the following variations to the current licence, namely to:-

- (1) amend the approved operating hours as follows:

##### **On Sales**

Sundays 1000hrs to 2200hrs

- (2) vary the operating plan and layout to an inaccessible area of 15.695m<sup>3</sup>;
- (3) the addition of recorded music within and outwith approved operating hours, and
- (4) the addition of a home delivery service to the list of any other activities. Subject to the condition that all delivery drivers are required to undergo the two hour mandatory staff training.

**Tam Bain Tavern, 96 Mary Street, Laurieston, Falkirk**

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 consideration of the item until later in the meeting to allow the applicant and her representative to consider the terms of their application.

The Board agreed to vary the order of business. The following items have been recorded in the order that they were taken at the meeting.

**LB49. Chief Constable's Report**

The Board considered a report from the Clerk to the Board which set out the duty of the Chief Constable to send an annual report to each Licensing Board in Scotland in respect of the policing of the Licensing (Scotland) Act 2005 in the Board's area and any work undertaken in preventing the sale or supply of alcohol to those under 18 years. The Chief Constable's report was attached as an appendix to the report.

The Chief Constable's report summarised the work carried out by Police Scotland on a national scale and in the Falkirk Area Command area during the period 1 April 2015 to 31 March 2016.

The Board **NOTED** the report.

**LB50. Applications for Non Minor Variations to Premises Licences (Continued)**

**Tam Bain Tavern, 96 Mary Street, Laurieston, Falkirk**

Following the applicant and her representative considering the terms of the application and after a short discussion, the Board **GRANTED** the following variations to the current licence, namely to:-

- (1) amend the approved operating hours as follows:

**On Sales**

Sundays 1100 hrs to 2400 hrs

**Off Sales**

Sundays 1100 hrs to 2200 hrs

- (2) the addition of televised sport outwith operating hours to the list of approved activities, and

- (3) remove conditions 2 & 3 from the list of specific conditions, namely:
- no darts will be played before 2000 hrs except when there is a formal darts match
  - the dart board will be removed when not in use.
- (4) vary the operating plan as follows:-
- 6b) “Children and young persons will be permitted access to the premises whilst accompanied by an adult for the purpose of attending a function except when darts are being played in which case no children and young persons will be allowed on the premises”, and
- 6d) “Until the terminal hour when attending a function”.

**LB51. Star Inn, 150 Grahams Road, Falkirk**

There was submitted report (circulated) dated 28 October 2016 from the Clerk to the Licensing Board (a) advising that an application had been received from the Chief Constable, Police Scotland to review the premises licence in respect of The Star Inn, 150 Grahams Road, Falkirk 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; (c) attaching as an appendix to the report, the Licensing Standards Officer’s report in terms of section 38(4) of the 2005 Act, and (d) attaching a letter from Police Scotland referring to the licensed premises intervention plan.

Clarinda Matthews, the premises licence holder and her agent, Ms Waiss, were in attendance.

Ms Waiss confirmed that she had no preliminary matters to raise.

Sergeant White was heard in amplification of the matters set out in the Chief Constable’s premises licence review request which stems from a large scale disorder during the televising of the Celtic FC v Glasgow Rangers FC football match which took place on Saturday 10 September 2016; and issues relating to the provision of CCTV footage of the inside of the premises being made available to police officers. Police Scotland submitted DVD CCTV footage relating to the events and this was viewed by the Board and those in attendance.

Questions were asked by members of the Board.

The Board invited Ms Waiss to make her submission.

Questions were asked by members of the Board.

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

Both parties summed up.

The Board agreed to a short adjournment. The Board adjourned at 1.25pm and reconvened at 1.35pm with all parties present as per the sederunt.

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 objectives of preventing crime and disorder, securing public safety, preventing public nuisance and protecting children from harm.

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

- (1) to issue a written warning to the Premises Licenceholder;
- (2) to vary the Premises Licence by the addition of specific conditions, namely:
  1. 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 is open for business and images must be made available to any Licensing Standards Officers or police officers on request for the purposes of the investigation and detection of crime;
  2. during trading hours when an "Old Firm" football match is being screened, the premises licenceholder must ensure that no fewer than 2 Security Industry Authority (SIA) licensed stewards are on duty at each door giving entrance to or exit from the premises to ensure a safe and responsibly run premises. Such persons must display the appropriate identification and should be made aware of their duties and of the premises' policies and procedures by the premises licenceholder. Their duties are to:
    - confirm that persons who seek access to the premises have a ticket;
    - identify and refuse entry to drunken persons;
    - identify and refuse entry to any persons banned through Pubwatch or by any other means;
    - actively monitor the premises and perform all activities in line with their role under the Private Security Industry Act 2001;

- supervise entrance doors/access points at all times to ensure that no fire or other exits are blocked;
  - be aware of the fire safety evacuation procedures and all other policies and procedures;
  - without prejudice to condition 3 below, ensure that no patron removes glasses, or open or closed vessels from the premises when exiting for any reason, and
  - remain on the premises until the end of licensed hours and all patrons have left.
3. during trading hours when an “Old Firm” football match is being screened the licenceholder shall utilise “non” or “safe” glass bottles. Where this is not possible, the liquid should be decanted into “non” or “safe” glass products;
  4. the premises shall have a written door control and dispersal policy that ensures sufficient measures are in place within the vicinity of the premises to enable safe and orderly departure of patrons from the premises;
  5. during trading hours when an “Old Firm” football match is being screened, the premises licenceholder shall ensure that access to the premises shall be by ticket only and no more than 100 tickets shall be made available, and
- (3) to require the premises licenceholder and her staff to again undertake the 2 hour mandatory training and should be monitored by the Licensing Standards Officer, the training to be arranged by the premises licenceholder.

The Board also made a finding in terms of (1) and (2) of the Act that Clarinda Matthews, in her role as a personal licence holder had, while working in the said licensed premises, acted in a manner which was inconsistent with the said licensing objectives identified above and accordingly that a hearing would be held in accordance with section 84(3)(a) of the Act.

## **LB52. Review of the Gambling Statement of Licensing Principles**

There was submitted report (circulated) dated 9 November 2016 from the Consumer Protection Manager submitting a draft revised Statement of Licensing Principles for consideration by the Board for the purpose thereafter of issuing it for consultation. The draft Statement of Licensing Principles was appended to the report.

The Board **AGREED** to adopt the Statement of Licensing Principles for the purpose of consultation.