

FALKIRK COUNCIL

**Minute of Meeting of the Licensing Board held in the Council Chambers,
Municipal Buildings, Falkirk on Wednesday 18 January 2017 at 9.30 a.m.**

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

Convener: Councillor Nicol.

Attending: Clerk; Consumer Protection Manager; Committee Services Officer (A Fraser), and Modern Apprentice (E Lowis).

Also

Attending: Douglas Frood and Thomas Ross, Licensing Standards Officers, Ian Dryden, Development Manager, Falkirk Council; Heath Burnside, Scottish Fire and Rescue Service; and Sergeant Marie White, Police Scotland.

LB64. Order of Business

The Convener varied the order of business. The following items have been recorded in the order that they were taken at the meeting.

LB65. Apologies

Apologies were intimated on behalf of Councillors Meiklejohn, Nimmo and Ritchie.

LB66. Declarations of Interest

Councillor Nicol declared a non-financial interest in item LB69 (Behind the Wall) as a family member is an employee of the applicant company.

Councillor McLuckie declared a non-financial interest in item LB69 (Brian Clark Memorial Hall). He is a member of Slamannan Lodge No.227 and, while it is unconnected to the lodge, which is the main user of the applicant premises, he considered that this distinction may not be generally understood by the public and consequently stated that he would take no further part in the decision making on this application.

LB67. Minute

The minute of meeting of the Licensing Board held on 14 December 2016 was approved.

LB68. Applications for Grant of Premises Licences

Coffee on Wooer, 2-4 Wooer Street, Falkirk

There was submitted report (circulated) dated 10 January 2017 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 grant of a premises licence as detailed on Appendix 1 to the report for Coffee on Wooer, 2-4 Wooer 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 application for a new premises licence.

LB69. Applications for Non-Minor Variations to Premises Licences

With reference to Minute of Meeting of the Licensing Board held on 14 December 2016 (paragraph LB57 refers), there was submitted report (circulated) dated 10 January 2017 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 to 6 of the report for (1) Bridgeness & Carriden Miners Welfare Society & Social Club, Harbour Road, Bo'ness; (2) The Songbird, 209 Stirling Street, Dunipace; (3) One Princes Street, 1 Princes Street, Falkirk.

Bridgeness & Carriden Miners Welfare Society and Social Club, Harbour Road, Bo'ness

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) the increase in approved on sales operating hours as follows -

Monday	1100 hrs to 2330 hrs
Tuesday to Thursday	1100 hrs to 2300 hrs
Friday and Saturday	1100 hrs to 0100 hrs
Sunday	1100 hrs to 2300 hrs

- (2) change the terms and times under which children and young persons will be allowed entry as follows –
- (a) junior members will be permitted whilst attending or participating in bowling events and will be accompanied by an adult; children and young persons permitted whilst attending a private function and accompanied by an adult; young persons permitted to play pool when accompanied by an adult; and that children and young persons will be permitted whilst attending parent and toddler groups, organised events, Bo'ness Fair celebrations, recreational activities, community projects and family gatherings such as

Christenings, First Communions etc. when accompanied by an adult, and

- (b) junior club members will be permitted until 2200 hrs; children 0-7 years permitted until 2200 hrs, children 8-15 and young persons permitted until the terminal hour when attending a function; young persons whilst playing pool will be permitted until 2200 hrs; children and young persons will be permitted whilst attending the following events –

parents and toddler groups from 1100 hrs to 1700 hrs;
organised children's events from 1100 hrs to 1700 hrs;
Bo'ness Fair celebrations from 1100 hrs to 2100 hrs;
recreational activities from 1100 hrs to 1700 hrs;
community projects from 1100 hrs to 1800 hrs; and
family gatherings from 1100 hrs to 1900 hrs.

- (3) change the parts of the premises to which children and young persons will be allowed entry as follows –
- (a) children will be allowed entry to all public parts of the premises with the exception of the bar and the bar area in the lounge; with young persons allowed entry to all parts of the premises including the bar;
- (4) the addition of the following seasonal variation, namely to extend closing time on Boxing Day night to 0100 hrs
- (5) the addition of the following to any other activities –
- parent and toddler groups
 - organised children's events
 - Bo'ness Fair celebration activities
 - recreational activities
 - community projects, and
 - family gatherings

The Songbird, 209 Stirling Street, Dunipace

The Board heard from the applicant in respect of the application and in clarification of questions raised by members.

Having discussed at length specific proposals detailed in the application, the Board **AGREED** that no children aged 0-15 years be allowed entry to the public bar area as this was, in the Board's opinion, contrary to the licensing objective of protecting children from harm.

After further discussion, during which the applicant left the meeting, the Board **GRANTED** the following variations to the current licence, namely to:-

- (1) the increase in approved operating hours as follows -

On Sales

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

Off Sales

Sunday to Saturday	1000 hrs to 2200 hrs
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- (2) vary the access and times for children and young persons as follows –
- (a) young persons aged 16 & 17 years will be allowed in the public bar area for the purpose of eating a meal and accompanied by an adult from 0730 hrs until 1900 hrs;
- (3) vary the parts of the premises to which children and young persons will be allowed entry as follows –
- (a) children and young persons will be allowed entry to the function area and the outdoor drinking area, with young persons aged 16 & 17 years allowed in the raised seating area in the public bar area.
- (4) change the layout plan of the premises to show areas where children and young persons are allowed access;
- (5) the removal of accommodation from the list of approved activities;
- (6) the addition of the following to the list of approved activities within core operating hours –
- theatre
 - films
 - gaming
 - indoor outdoor sports
 - adult entertainment
- (7) the addition of the following to the list of approved activities outwith core operating hours –
- recorded music
 - club or other group meetings etc
- (8) the addition of the following to the list of any other activities –
- ladies' nights
 - men's nights, and
- (9) change the premises name to Bar 209.

The Board also **AGREED** to attach the following condition to the licence, namely :-

- that no children or young persons will be allowed access to the function suite when adult entertainment is being provided.

One Princes Street, 1 Princes 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) the increase in approved operating hours as follows -

On Sales

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

Off Sales

Sunday to Saturday	1000 hrs to 2200 hrs
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- (2) change the name of the premises to "The Wine Library";
- (3) the addition of the following to the list of any other activities –
- wine tasting events are to be held from time to time in the first floor function room; and
- (4) change the terms under which children and young persons will be allowed entry as follows –
- (a) children and young persons must be accompanied by a responsible adult; children and young persons are allowed access to the first floor function room to attend a *bona fide* function only; and that no children or young persons will be allowed entry to the first floor function room during wine tasting events.
- (5) change the parts of the premises to which children and young persons will be allowed entry as follows –
- (a) all parts of the ground floor, first floor function room, and basement toilets, with children under 16 years of age accessing the disabled toilet on the ground floor.

LB69. Applications for Non-Minor Variations to Premises Licences

There was submitted report (circulated) dated 10 January 2017 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 to 4 of the report for (1) Beancross Hotel, West Beancross, Polmont; (2) Behind the Wall, 14 Melville Street, Falkirk; (c) Bridge Inn, The Knowes, Linlithgow Road, Linlithgow, and (d) Grangemouth Golf Club, Polmont Hill, Polmont.

Beancross Hotel, West Beancross, Polmont

The Board **NOTED** that a representation had been received in respect of the application from the Chief Constable, Police Scotland. Sergeant Marie White, representative of Police Scotland was in attendance.

The applicant's representative advised that he had no objection to the representation being circulated. Accordingly, a copy of the representation was circulated to members. A copy of the proposed layout plan was also tabled for members.

Sergeant White was heard in clarification of questions raised by Members.

The applicant's representative was heard in response to the issues raised in the letter of representation and in clarification of questions raised by members.

After hearing further from the applicant's representative in support of the application, the Board **GRANTED** the following variations to the current licence, namely to:-

- (1) the increase in approved operating hours as follows –

On Sales

Sunday 1100 hrs to 2400 hrs

Off Sales

Sunday 1100 hrs to 2200 hrs

- (2) the addition of the following to the list of approved activities within core operating hours –

- films
- indoor/outdoor sports

- (3) the addition of the following to the list of approved activities outwith core operating hours –

- club or other group meetings
- live performances
- dance facilities
- theatre
- outdoor drinking facilities

- (4) the addition of the following to the list of any other activities –

- children's indoor play area adjacent to restaurant
 - temporary children's indoor play area in main function suite/breakout bar area
 - retail/commercial events such as sales, seminars, training, launches, auctions and the like
- (5) change the access and times for children and young persons as follows-
- (a) children under 16 years of age accompanied by an adult and young persons aged 16 & 17 years of age for the purpose of having food/refreshments; children under 16 years of age accompanied by an adult and young persons 16 & 17 years of age when attending a private function held in any public part of the premises; children under 16 years of age and young persons 16 & 17 years of age resident in premises; children accompanied by an adult using play areas; children under 16 years and young persons accompanied by an adult attending child specific events such as parties, school proms, baby showers and the like;
 - (b) children and young persons will be allowed entry until the terminal hour (unless resident); and
 - (c) children and young persons will be allowed entry to all parts of the premises and accommodation areas if resident.
- (6) the change to the layout plan of the premises detailed on the layout plan submitted with the application.

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

- that no children or young persons will be allowed access to the premises when adult entertainment is being provided; and
- that no boxing, cage fighting , kickboxing or events deemed to be of a similar nature will be permitted on the premises.

In accordance with his earlier declaration, Councillor Nicol left the meeting prior to consideration of the following item. In the absence of the Convener, the Depute Convener, Councillor Allyson Black took the chair.

Behind the Wall, 14 Melville Street, Falkirk

The Board heard from the applicant's representative in clarification of questions raised by members.

Due to a number of issues requiring clarification by the applicant's representative, the Board **AGREED** to a short adjournment to allow her to take instructions from the applicant.

The Board adjourned at 11.35 a.m. and reconvened at 11.50 a.m. with all members present as per the sederunt, with the exception of Councillor Nicol.

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

- (1) remove the following from the list of approved activities outwith operating hours -
 - conference facilities
 - restaurant facilities
 - bar meals
 - receptions including weddings, funerals, birthdays, retirements etc
 - club or other group meetings
 - live performances
 - dance facilities
 - theatre
 - films
 - indoor/outdoor sports
 - televised sport
 - outdoor drinking facilities
- (2) the addition of the following to the list of any other activities, for adults aged over 18 years of age, and which will only take place in the upstairs lounge –
 - race nights
 - poker nights and other approved gaming activities
- (3) the addition of the following to the list of other activities –
 - dramatic, artistic and musical performances by artists
 - the sale of breakfasts, teas, coffees, snacks, ice-creams, sweets and other non-alcoholic refreshments
 - indoor sports to include pool, snooker, darts, skittles and other similar pub games and pastimes; and
- (4) change the access and times for children and young persons as follows-
 - (a) children and young persons will be allowed entry when accompanied by an adult for the purpose of having a meal, snack, soft drink, other non-alcoholic refreshment or ice-creams until 2300 hrs;
 - (b) toddlers and small children will be allowed access to the soft play area and must be accompanied by a supervising adult who must

remain in the vicinity of the soft play area when they are accessing the soft play area;

- (c) children and young persons will be allowed entry when accompanied by an adult for the purpose of attending a private function until 0100 hrs;
 - (d) young persons aged 16 & 17 years of age will be allowed entry to a ticketed event until 12 midnight. Wrist bands will be supplied to young persons at such events to ensure that no alcohol is purchased; and
- (5) to include a seasonal variation with immediate effect until 30 September 2017 as follows:
- unaccompanied children and young persons aged 13-17 years of age will be allowed access to the conservatory and outside drinking area only from 0900 hrs until 2000 hrs for the purpose of having a meal, snack, soft drink , other non-alcoholic refreshment, ice-cream.

Councillor Nicol re-joined the meeting and resumed the Chair.

Bridge Inn, the Knowes, Linlithgow Road, Linlithgow

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.

Grangemouth Golf Club, Polmont Hill, Polmont

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

- (1) the increase in approved on sales operating hours as follows -

Monday to Thursday	1100 hrs to 2400 hrs
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- (2) the addition of the following seasonal variation namely, any additional hours which may be available in terms of the Board's statement of licensing policy including the festive season;
- (3) the addition of theatre and films to the list of approved activities within and outwith core operating hours;
- (4) the addition of recorded music outwith core operating hours;
- (5) the addition of various functions including wedding ceremonies and

receptions to the list of any other activities;

- (4) change the times under which children and young persons will be allowed access as follows –
 - (a) children and young persons will be permitted entry to the club unaccompanied for the purpose of participating in, or spectating at a sporting activity until 2100 hrs; children and young persons will be permitted entry to the club accompanied by an adult for the purpose of having a meal until 2200 hrs; and children and young persons will be permitted entry to the club accompanied by an adult for the purpose of attending a party/function/wedding/presentation/fund raising event with a buffet until the terminal hour;
- (5) changes to the internal layout of the premises as shown on the layout plan submitted with the application –
 - to change the lounge bar into a second function room with the addition of a pool table from the games room, and
 - the addition of a golf simulator in the games room.

In accordance with his earlier declaration, Councillor McLuckie left the meeting prior to consideration of the following item.

Brian Clark Memorial Hall (PL0461), Burnside Terrace, Camelon

With reference to Minute of Meeting of the Licensing Board held on 14 December 2016 (paragraph LB60 refers), there was submitted report (circulated) dated 16 January 2017 from the Clerk to the Licensing Board (a) providing details of an application made in terms of section 20 of the Licensing (Scotland) Act 2005 for the grant of a premises licence; (b) that a site visit had been carried out on 8 December 2016; (c) Police Scotland had provided an anti-social behaviour report on 28 November, and (d) there was an outstanding building standards issue with the premises which required to be addressed by the applicant.

The applicant was in attendance. Mr D Maley and Ms J Jamieson, two objectors were also in attendance.

The Consumer Protection Manager advised that Mr P Redding, objector had emailed advising that he was unable to attend the meeting and that Ms J Cania had also emailed advising that as she was no longer a resident in the area, she wished to withdraw her previous objection.

The applicant advised that his legal representative was unable to remain at the meeting due to him having a prior engagement at Court.

Ian Dryden, Development Manager, Falkirk Council gave an update on the outstanding building standards issues relating to the premises and the Board

noted with concern the continuing lack of a valid s.50(6) certificate from the applicant.

The Board then heard from Heath Burnside, Scottish Fire and Rescue Service in relation to outstanding fire safety issues at the premises.

After discussion, the Board **AGREED** to **CONTINUE** the matter to the next meeting of the Licensing Board to be held on 15 February 2017 to allow the applicant's agent to be in attendance.