

Agenda Item

3

Minute

FALKIRK COUNCIL

Minute of Meeting of the Licensing Board held in the Council Chambers, Municipal Buildings, Falkirk on Tuesday 14 March 2017 at 9.30 a.m.

Present: Councillors Blackwood; Hughes; McLuckie; Nicol, Nimmo and Turner.

Convener: Councillor Nicol.

Attending: Clerk; Depute Chief Governance Officer, Consumer Protection Manager; Committee Services Officer (A Fraser), and Licensing Assistant (C Henderson).

Also Attending: Douglas Frood and Thomas Ross, Licensing Standards Officers, Ian Dryden, Development Manager; Crawford Sibbald, Environmental Health Officer; Colin Sturrock, Building Standards Co-ordinator, all Falkirk Council; and Sergeant Marie White, Police Scotland.

LB80. Apologies

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

LB81. Declarations of Interest

Councillor McLuckie declared a non-financial interest in item LB83, 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 part in the decision making on this application.

LB82. Minute

The minute of meeting of the Licensing Board held on 15 February 2017 was approved.

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

**LB83. Application for Grant of Premises Licence
Brian Clark Memorial Hall, Burnside Terrace, Camelon**

With reference to minute of meeting of the Licensing Board held on 15 February 2017 (paragraph LB 75 refers), there was submitted report

(circulated) dated 3 March 2017 from the Clerk to the Licensing Board (a) providing details of an application made in terms of s.20 of the Licensing (Scotland) Act 2005 for the grant of a premises licence; (b) noting that a site visit had been carried out on 8 December 2016; (c) noting that Police Scotland had provided an anti-social behaviour report on 28 November 2016; (d) noting that there was an outstanding building standards issue with the premises which required to be addressed by the applicant; (e) referring to correspondence from the Scottish Fire and Rescue Service (i) to the applicant regarding a proposed action plan to address deficiencies in the fire safety arrangements at the premises; (ii) advising that the Scottish Fire and Rescue Service wished to withdraw their representation; (f) advising that a Building Warrant Enforcement Notice was issued to the applicant on 16 January 2017 and that a number of items still require to be resolved, and (g) referring to the applicant's agent's indication at the Board meeting on 15 February, that there was potential to amend this application to a provisional application in terms of s.45 of the Act.

The applicant was in attendance and accompanied by his agent, Mr Sandeman.

Mr David Malley, objector was in attendance and accompanied by his agent, Mr MacIver.

Following opening comments relating to matters concerning a s.50(6) certificate, the Licensing Board agreed to Mr Sandeman's request that the application be amended to a provisional licence application, due to there being no valid s.50(6) completion certificate from the planning authority's Building Standards division.

Mr MacIver was heard in support of his client's objection and in clarification of questions raised by members.

Mr Sandeman was then heard in relation to concerns raised in the objection and in clarification of questions raised by members.

Sergeant White, Police Scotland was heard in clarification of questions raised by members.

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

Douglas Frood, Licensing Standards Officer was heard in relation to the application and, in particular, to a recent site visit which he had undertaken.

After further discussion, both Mr MacIver and Mr Sandeman were invited to sum up.

The Board agreed to a short adjournment at 10.35 a.m. and reconvened at 10.50 a.m.

The Board unanimously **AGREED** to **REFUSE** the provisional application on the grounds that the Board considered the premises were unsuitable for the sale of alcohol in terms of s.23(5)(d) having had regard to (i) the nature of the activities proposed to be carried on in the subject premises; (ii) the location, character and condition of the premises, and (iii) the persons likely to frequent the premises.

The Board **AGREED** to the request by Mr Sandeman for a direction in terms of s.25(3)(a) of the Licensing (Scotland) Act 2005.

Councillor McLuckie re-joined the meeting after consideration of the previous item.

**LB84. Application for Non Minor Variation to Premises Licence
Roman Bar, 470 Main Street, Camelon**

With reference to minute of meeting of the Licensing Board held on 15 February 2017 (paragraph LB78 refers), there was submitted report (circulated) dated 16 February 2017 from the Clerk to the Licensing Board providing (a) details of an application received in terms of s.29 of the Licensing (Scotland) Act 2005 for variations to the premises licence, and (b) referring to the inspection of the premises on 27 February 2017.

The applicant's agent was heard 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 addition of the following seasonal variation to the Operating Plan -
 - seasonal hours as permitted by the Licensing Board
- (2) amend the Operating Plan to show the addition of the following to the list of approved activities within and outwith approved operating hours:
 - conference facilities
 - restaurant facilities
 - bar meals
 - club or other group meetings
 - receptions
 - recoded music
 - live performances

- indoor/outdoor sports
 - televised sport
- (3) amend the Operating Plan to show the addition of information relating to activities taking place outwith approved operating hours, and
- (4) amend the Operating Plan to show the addition of access for children and young persons as follows:-
- (a) children and young persons will be required to be accompanied by an adult at all times for the purposes of taking a meal and attending a *bona fide* private function;
 - (b) children and young persons aged 0-17 years will be permitted;
 - (c) children and young persons will be allowed until 2200 hrs for the purposes of taking a meal and until the terminal hour for the purposes of attending a *bona fide* private function, and
 - (d) children and young persons will be allowed entry to the lounge and toilets located adjacent to the lounge.

The Board **AGREED** to apply the following condition to the licence, namely:

- that children and young persons will not be allowed access until such time as the authority's Environmental Health section are satisfied that the kitchen is of a standard suitable for the preparation and serving of meals.

LB85. Application for Non Minor Variations to Premises Licences

There was submitted report (circulated) dated 8 February 2017 from the Clerk to the Licensing Board providing details of applications made in terms of s.29 of the Licensing (Scotland) Act 2005 for variations to the premises licences as detailed in Appendices 1 to 5 of the report for (1) City, 8-12 Princes Street, Falkirk; (2) Dundas, 3-7 La Porte Precinct, Grangemouth; (3) Plough Hotel, 507 Main Street, Stenhousemuir; (4) Johnny Baikie's Snooker Club, 18-20 Grahams Road, Falkirk, and (5) The Scotts, Wood Street, Grangemouth.

City, 8-12 Princes Street, Falkirk

The Board **NOTED** that an objection had been received from the Chief Constable, Police Scotland, in respect of the application.

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

Sergeant White, Police Scotland was heard in relation to the letter of objection.

Mr MacIver was heard in support of the application and in response to the issues raised in the objection.

After discussion, the Board **AGREED** to **CONTINUE** the application to a future meeting of the Licensing Board, to allow for Police Scotland and the Council's Licensing Section to prepare and submit additional information relating to similar applications of this nature.

Dundas, 3-7 La Porte Precinct, Grangemouth

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.

Plough Hotel, 507 Main Street, Stenhousemuir

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 addition of a seasonal variation to allow the premises to open every Hogmany until 0200 hrs, which requires to be applied for by way of an extended hours application each year;
- (2) the addition of televised sport to the list of approved activities within core operating hours in the bar area only;
- (3) change the parts of the premises that children and young persons can access, as follows –
 - children and young persons will be allowed access to all public parts of the premises with the exception of the public bar.

Johnny Baikie's Snooker Club, 18-20 Grahams Road, Falkirk

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.

The Scotts, Wood Street, Grangemouth

Having heard from the applicant 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) increase the approved on sales operating hours as follows -

Monday to Thursday
1000 hrs to 2400 hrs

Friday and Saturday
1000 hrs to 0100 hrs

Sunday
1100 hrs to 2400 hrs
- (2) the addition of theatre to the list of approved activities within and outwith core operating hours;
- (3) the addition of the following to the list of approved 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
 - dance facilities
 - indoor/outdoor sports
 - televised sport
- (4) change the parts of the premises to which children and young persons have access, as follows –
 - children and young persons will be allowed entry to the Bistro, main function suite, Scotlee Suite, toilets and all routes of access thereto and egress therefrom.
- (5) amend the layout plan to show the renovation of the main function suite, and
- (6) change the name of the “Lounge” to the “Scotlee Suite”.

URGENT ITEM

The Convener agreed that the following item be considered as a matter of urgency, due to the timescale involved.

LB86. Occasional Licence Application – Stenhousemuir Cricket Club

There was submitted report (circulated) dated 9 March 2017 from the Clerk to the Licensing Board providing (a) details of an application made in terms of s.56 of the Licensing (Scotland) Act 2005 for an occasional licence; (b) summarising the consultation undertaken, and (c) referring to an objection received from the Chief Constable, Police Scotland.

Sergeant White, Police Scotland was heard in relation to the objection submitted by the Chief Constable and in clarification of questions raised by members.

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

After discussion, the Board **GRANTED** the occasional licence for Saturday 1 April 2017 from 1300 hrs to 1500 hrs.

LB87. Valedictory Remarks

The Convener, on behalf of the Licensing Board thanked Douglas Froud and Rose Mary Glackin for their contributions and support to the Board over the years and wished them well in the future.

Rose Mary Glackin thanked the Licensing Board for their kind words.