

**FALKIRK COUNCIL**

**Minute of Meeting of the Licensing Board held in the Council Chambers, Municipal Buildings, Falkirk on Wednesday 15 November 2017 at 9.30 a.m.**

**COUNCILLORS:**

David Balfour  
Lorna Binnie  
Robert Bissett  
Gordon Hughes  
James Kerr (Convener)  
John McLuckie  
John Patrick  
Depute Provost Ann Ritchie

**OFFICERS:**

Alison Barr, Consumer Protection Manager  
Arlene Fraser, Committee Services Officer  
Dale Inglis, Modern Apprentice  
Colin Moodie, Chief Governance Officer (Clerk)

**ALSO ATTENDING:**

PC Gordon Hutchison, Police Scotland  
Sergeant Claire Mackenzie, Police Scotland  
Martin MacNiven, Environmental Health Officer  
Thomas Ross, Licensing Standards Officer

**LB45. Apologies**

Apologies were intimated on behalf of Councillors Black and Buchanan.

**LB46. Declarations of Interest**

Councillor McLuckie declared a non-financial interest in item LB50, Brian Clark Memorial Hall, Burnside Terrace, Camelon. 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.

Councillor Kerr also declared a non-financial interest in item LB50, Brian Clark Memorial Hall, Burnside Terrace, Camelon. He is a member of Laurieston Lord Mountbatten Lodge No. 298 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.

**LB47. Minute**

The minute of meeting of the Licensing Board held on 18 October 2017 was approved.

#### **LB48. Applications for Extended Hours**

The Board considered a report by the Clerk to the Licensing Board providing details of applications made in terms of section 68 of the Licensing (Scotland) Act 2005 for the grant of extended hours.

The Board heard from each of the applicants.

#### **Decision**

**The Board granted the following extended hours, namely:-**

<b>Premises</b>	<b>Event</b>	<b>Date Event Starts</b>	<b>Hours Granted</b>	<b>Current Hours Granted</b>
Pierre's	Additional days for Festive meals	Monday 11 December 2017 Monday 18 December 2017 Monday 1 January 2018	12 Noon until 11pm	Closed on Monday
City	Christmas Eve Extravaganza	Sunday 24 December 2017	11 am until 4 am	11 am until 2 am
City	Hogmanay Extravaganza	Sunday 31 December 2017	2 am until 4 am	11 am until 2 am
Lodge Polmont 793	Hogmanay Party	Sunday 31 December 2017	8 pm until 1 am	Closed on Sunday
Mariner Bar	Hogmanay Party	Sunday 31 December 2017	12 midnight until 2 am	10 am until 12 Midnight
Camelon Bowling Club	Hogmanay charity fund raising event	Sunday 31 December 2017	11.45 pm until 2am	10am until 11.45 pm
Polmont Golf Club	Hogmanay Party	Sunday 31 December 2017	12 midnight until 2 am	12 noon until 12 midnight
Leapark Hotel	Hogmanay Party	Sunday 31 December 2017	12 midnight until 3 am	12.30 until 12 midnight
Leapark Hotel	Christmas Party Night	Saturday 25 November 2017	1 am until 2 am	11 am until 1 am
Leapark Hotel	Christmas Party Night	Friday 1 December 2017	1 am until 2 am	11 am until 1 am
Leapark Hotel	Christmas Party Night	Saturday 2 December 2017	1 am until 2 am	11 am until 1 am

#### **LB49. Application for Occasional Licence The Parsonage, Dunmore Park, Falkirk**

The Board considered a report by the Clerk to the Licensing Board providing details of an application made in terms of section 56 of the Licensing (Scotland) Act 2005 for an occasional licence as detailed in Appendix 1 to the report for The Parsonage, Dunmore Park, Falkirk.

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

#### **Decision**

**The Board granted the occasional licence from 1300 hrs on 31 December 2017 until 0100 hrs on 1 January 2018.**

The Board agreed to an adjournment at 10.10 a.m. and reconvened at 10.25 a.m. with all members present as per the sederunt, with the exception of Councillors Kerr and McLuckie, in accordance with their earlier declarations.

In the absence of the Convener and Depute Convener, and with the agreement of members of the Board, Councillor Hughes assumed the Chair.

**LB50. Application for Occasional Licence  
Brian Clark Memorial Hall, Burnside Terrace, Camelon**

The Board considered a report by the Clerk to the Licensing Board providing details of an application made in terms of section 56 of the Licensing (Scotland) Act 2005 for an occasional licence. The application had been continued from the meeting of the Licensing Board held on 18 October 2017 (Paragraph LB42(a) refers). The report also made reference to the Environmental Health Noise Team monitoring one or both occasional licences granted for the same premises for similar events on 4 and 11 November 2017.

It was noted that an objection had been lodged against the grant of the application, and that the objector, Mr D Malley was in attendance.

The letter of objection, which had been circulated to members at the previous meeting, was made available to members.

The Board heard from Mr Malley in relation to his letter of objection.

The Board then heard from Martin MacNiven, Environmental Health Officer in relation to the results of the noise monitoring exercise undertaken by the Noise Team on the evenings of 4 and 11 November 2017.

Mr MacNiven was heard in response to questions raised by members.

The Board heard from Sergeant Mackenzie, Police Scotland.

The Board then heard from the Licensing Standards Officer.

The applicant's representative was heard in response to the noise issues highlighted by the Environmental Health Officer.

The objector and applicant's agent then summed up.

The Board agreed to an adjournment at 11.05 a.m. and reconvened at 11.20 a.m. with all members present as per the sederunt, with the exception of Councillors Kerr and McLuckie.

**Decision**

**The Board refused the occasional licence application in terms of s.59.6(c) in that granting the application would be inconsistent with one of the licensing objectives, namely preventing public nuisance, and in terms of s.59.6(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.**

Councillors Kerr and McLuckie re-joined the meeting with Councillor Kerr, Convener, assuming the Chair.

**LB51. Application for the Provisional Grant of a Premises Licence  
The Ice Grill Parlour, 222 Grahams Road, Falkirk**

The Board considered a report by the Clerk to the Licensing Board providing details of an application for provisional grant of a premises licence.

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

**Decision**

**The Board granted the provisional premises licence.**

**LB52. Personal Licence Application - Helena Wotherspoon**

With reference to Minute of Meeting of the Licensing Board held on 18 October 2017 (Paragraph LB43 refers), the Board considered a report by the Clerk to the Licensing Board providing details of an application for a Personal Licence submitted in terms of s.72 of the Licensing (Scotland) Act 2005.

The Board heard from Sergeant Mackenzie, Police Scotland.

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

The Board agreed to an adjournment at 11.55 a.m. and reconvened at 12.10 p.m. with all members present as per the sederunt.

**Decision**

**The Board granted the application for a personal licence.**

**LB53. Premises Licences - Annual Fees**

The Board considered a report by the Consumer Protection Manager providing details of the collection of the annual retention fee for 2017/18.

Detailed information was provided on the annual fees collection process carried out during 2010 and 2011, the pilot scheme undertaken in 2012, and the current process undertaken by the Licensing Section in conjunction with the Council's Sundry Accounts staff.

**Decision**

**The Board noted the contents of the report.**