

Draft

**FALKIRK COUNCIL**

**Minute of Meeting of the Licensing Board held in the Council Chambers,  
Municipal Buildings, Falkirk on Wednesday 23 May 2018 at 9.30 a.m.**

**COUNCILLORS:**

David Balfour  
Lorna Binnie (Items LB7, LB8, LB14 & LB15 only)  
Robert Bissett  
Allyson Black  
Provost William Buchanan  
Niall Coleman  
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:**

Thomas Ross, Licensing Standards Officer  
PC G Hutchison, Police Scotland  
Sergeant C Mackenzie, Police Scotland  
DCI G Boyd, Police Scotland (Item LB14)

**LB7. 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.

**LB8. Falkirk Alcohol and Drug Partnership Update**

The Board **noted** the information contained in the joint presentation by Fiona Campbell, Head of Policy, Technology and Improvement, and Elaine Lawlor, Forth Valley ADP Co-ordinator.

Councillor Binnie left the meeting after the foregoing item.

**LB9. Apologies**

Apologies were intimated on behalf of Councillors Binnie (for Items LB9-LB13) and Patrick.

#### **LB10. Declarations of Interest**

Councillor Balfour declared a non-financial interest in agenda Item LB13 by virtue of having prior knowledge of the applicant and recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

#### **LB11. Minute**

**The minute of meeting of the Licensing Board held on 23 April 2018 was approved.**

#### **LB12. Applications for Non Minor Variations to Premises Licences**

The Board considered a report by 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 and 4 to the report for (1) Richmond Park Hotel, 26 Linlithgow Road, Bo'ness, (2) Blackness Inn, 18 Blackness Square, Blackness, (3) Grangemouth Bowling Club, Talbot Street, Grangemouth and (4) Graeme Hotel, 40 Grahams Road, Falkirk.

##### **Richmond Park Hotel, 26 Linlithgow Road, Bo'ness**

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 following variations to the current licence, namely to:-**

- (1) increase the approved operating hours as follows (On Sales) only:**  
**Monday to Thursday - 9.00 am until 11.45 pm**  
**Friday and Saturday - 9.00 am until 1.00 am**  
**Sunday - 10.00 am until 11.45 pm**
- (2) increase the approved operating hours as follows (Off Sales) only:**  
**Sunday 10.00 am until 10.00 pm**
- (3) the addition of films to the list approved list of activities within the outwith core operating hours;**
- (4) allow outdoor drinking outwith core operating hours in order that the area can be used for serving breakfast;**
- (5) change the terms, times and parts for children and young persons as follows:-**

- (a) whilst accompanied by an adult for the purpose of attending a function or having a meal, and (ii) when resident in the hotel;
  - (b) 0 to 17 years of age of children and young persons to be allowed entry;
  - (c) resident children and young persons permitted access at all times;
  - (d) children and young persons attending for a meal until 10.00 pm Children and young persons attending a function permitted until the terminal hour;
  - (e) all public parts of the premises for resident and non-resident children and young persons.
- (6) remove the current seasonal variation to allow the premises to open from 10.00 am on Bo'ness Fair Day.

**Blackness Inn, 18 Blackness Square, Blackness**

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 following variations to the current licence, namely to:-**

- (1) change the description to remove any reference to the premises being a hotel;
- (2) increase the approved operating hours as follows (On Sales) only:  
Sunday 11.00 am until 12 midnight
- (3) increase the approved operating hours as follows (Off Sales) only:  
Sunday 11.00 am and 10.00 pm
- (4) remove accommodation from the approved list of activities within and outwith operating hours;
- (5) change the terms, times and parts for children and young persons as follows:-
  - (a) children and young persons permitted when accompanied by an adult for attending a function or having a meal;
  - (b) children and young persons 0 to 17 years of age be allowed entry;

- (c) children and young persons be allowed entry when attending for a meal until 10.00 pm. Children and young persons attending a function until the terminal hour;
- (d) children and young persons be allowed entry to all public areas of the premises.

### **Grangemouth Bowling Club, Talbot Street, Grangemouth**

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 following variations to the current licence, namely to:-**

- (1) increase the approved operating hours as follows:
  - Monday to Thursday – 11.00 am until 12 midnight
  - Friday and Saturday – 11.00 am until 1.00 am
  - Sunday – 11.00 am until 12 midnight
- (2) the removal of summer and winter hours from the seasonal variation;
- (3) amend the seasonal variation to allow the premises to open until 2 am on New Year's eve;
- (4) the addition of conference facilities to the list of approved activities within and outwith core operating hours;
- (5) the addition of receptions including weddings, funerals, birthdays and retirements to the list of approved activities outwith core operating hours to allow club facilities to be made available for these types of occasions;
- (6) change the terms, times and parts for children and young persons as follows:-
  - (a) children and young persons will be permitted entry to the premises for the purpose of participating in or spectating at the sport of lawn bowls or for the purpose of attending *bona fide* private functions and when accompanied by a responsible adult, member of the club, or in the case of visiting clubs, by an official thereof;
  - (b) children of all ages and young persons will be allowed entry to the premises;
  - (c) children and young persons will be allowed entry to the premises until 22:00 for the purposes of participating in or spectating at the sport of lawn bowls;

- (d) children and young persons will be allowed entry to the premises until the terminal hour for the purpose of attending functions, sports presentations or similar such events;**
- (e) children and young persons shall be permitted entry to all public areas of the premises including access to toilet facilities but will not be permitted within the area surrounding the bars as indicated on the layout plan.**

**Graeme Hotel, 40 Grahams Road, Falkirk**

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 following variations to the current licence, namely to:-**

- (1) increase the approved operating hours as follows (On Sales) only:**
  - Monday to Thursday – 9.00 am until 12 midnight**
  - Friday and Saturday – 9.00 am until 1.00 am**
  - Sunday 10.00 am until 12 midnight**
- (2) remove the following condition from the licence;**
  - “a 1m high fence to be erected around the grassed area of the beer garden to reduce the area used as a beer garden”;**
- (3) amend the second condition to increase terminal hour for outdoor drinking to 10.00 pm;**
- (4) the addition of dance facilities to the list of approved activities within and outwith core operating hours;**
- (5) the addition of the following to the list of approved activities outwith core operating hours;**
  - bar meals**
  - receptions including weddings, funerals, birthdays, retirements etc**
  - club or other group meetings**
  - recorded music**
  - live performances**
  - televised sport**
  - outdoor drinking**
- (6) amend the details of the activities taking place outwith core operating hours;**

- (7) **change access terms, times and parts for children and young persons as follows:-**
- (a) **children accompanied by an adult and young persons will be allowed access for the purpose of having a meal;**
  - (b) **0 to 17 years of age children and young persons to be allowed entry;**
  - (c) **children and young persons be allowed entry from opening time until 9.30 pm;**
  - (d) **children and young persons be allowed entry to all public areas.**

**LB12. Application for Provisional Grant of a Premises Licence - Petrol Station, 235 Kilsyth Road, Banknock**

The Board considered a report by the Clerk to the Licensing Board providing details on an application for the 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. He made reference to the results of a customer survey undertaken at the premises which, in his opinion, had established that the premises were not excluded premises.

The Board agreed to an adjournment at 11.45 am and reconvened at 12 noon with all members present as per the sederunt.

**Decision**

**The Board, having regard to the information submitted, determined that the premises were not excluded premises standing the terms of section 123(5) of the Licensing (Scotland) Act 2005, particularly with regard to the sale of petrol and derv, and granted the provisional premises licence.**

In accordance with his earlier declaration, Councillor Balfour left the meeting

**LB13. Application for the Grant of a Personal Licence - James Findlay King**

The Board considered a report by the Clerk of the Licensing Board providing details on an application for the grant of a personal licence.

The Board noted that in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005, the Chief Constable had submitted a notice which recommended refusal of the application. The notice was circulated to members.

Sergeant Mackenzie, representative of Police Scotland, was heard in relation to the issues raised in the Chief Constable's notice, and in

clarification of questions raised by a member and by the applicant's representative.

The Board then heard from the applicant and his representative in support of the application.

There being no questions, both parties summed up.

The Board agreed to an adjournment at 12.25 pm and reconvened at 12.35 pm with all members present as per the sederunt, with the exception of Depute Provost Ritchie and Councillor Black.

Prior to the recess, the Clerk had raised a technical matter in relation to the Chief Constable's notification. On returning from the recess, he advised that the first charge was not a relevant offence, and that the Licensing Board had not taken this into consideration when reaching its decision.

### **Decision**

#### **The Board granted the personal licence.**

The Board adjourned at 12.40 pm for lunch and reconvened at 1.15 pm with all members present as per the sederunt with the exception of Depute Provost Ritchie and Councillor Black.

#### **LB14. Application for the Grant of a Premises Licence - Bar 1, 76 Manor Street, Falkirk**

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

The Board noted that an objection had been received from the Chief Constable, Police Scotland, in respect of the application. Detective Chief Inspector Boyd and Sergeant Mackenzie, representatives of Police Scotland were in attendance.

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

The Board agreed to an adjournment at 1.30 pm and reconvened at 2.00 pm with all members present as per the sederunt, with the exception of Depute Provost Ritchie and Councillor Black.

Sergeant Mackenzie and DCI Boyd were both heard in relation to the Chief Constable's objection, and in clarification of questions raised by the applicant's representative and by members.

The Board then heard from the applicant's representative in relation to issues raised in the Chief Constable's objection.

The Board agreed to an adjournment at 3.00 pm and reconvened at 3.05 pm with all members present as per the sederunt, with the exception of Depute Provost Ritchie, Councillors Black and Coleman.

The applicant's representative was heard in clarification of questions raised by members.

Both parties summed up.

The Board agreed to an adjournment at 3.15 pm and reconvened at 3.30 pm with all members present as per the sederunt, with the exception of Depute Provost Ritchie, Councillors Black and Coleman.

### **Decision**

**The Board granted the premises licence.**

### **LB15. Supplementary Statement of Licensing Policy – Festive Trading**

The Board considered a report by the Consumer Protection Manager providing an update on the progress of the Licensing Board's Supplementary Statement of Licensing Policy on Festive Trading, following the conclusion of the consultation period.

### **Decision**

**The Board noted the progress made and that the finalised policy would be submitted to the Licensing Board at its meeting on 26 June 2018.**