

## FALKIRK COUNCIL

**MINUTE of the ADJOURNED MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 6 FEBRUARY 2008 at 2.00 pm.**

**PRESENT:** Provost Reid; Depute Provost Black; Councillors Hughes, Kenna, McLuckie, Nimmo, Thomson and Waddell.

**CONVENER:** Provost Reid

**ATTENDING:** Clerk; Consumer Protection Manager; Solicitor (P Gilmour); Licensing Co-ordinator (R Watson); Environmental Health Officer (S Henderson); Senior Licensing Assistant (L McGarva) and Committee Services Officer (B Douglas).

**ALSO**

**ATTENDING:** Station Officer Law, Central Scotland Fire and Rescue Service; PC J McKenzie and PC T Campbell, Central Scotland Police.

**UNDER THE LICENSING (SCOTLAND) ACT 1976 (AS AMENDED) AND  
THE LAW REFORM (MISCELLANEOUS PROVISIONS) (SCOTLAND)  
ACT 1990**

### SECTION B

**1. Applications for the Renewal of Existing Licences**

The Board granted the applications for the renewal of existing licences as detailed in paragraph (a) below and reached the decisions shown on those items detailed in paragraph (b) below:-

**(a)**

**Item 1.2 Maddiston Post Office, Main Street, Maddiston**

**Item 1.3 Premier Store, 139 Main Street, Shieldhill**

**Item 1.5 Elphinstone Inn, High Street, Airth**

**(b)**

**Item 1.1 Glen Village Post Office, Glen Crescent, Glen Village**

Having heard the applicant's agent Mr Travers explain the reasons for the lateness of the application, the Board **AGREED** that the provisions of section 13(2) of the Licensing (Scotland) Act 1976 applied to the situation and to continue the matter to a further adjourned meeting of the Licensing Board.

#### **Item 1.4 RK Store, 120 Haugh Street, Bainsford**

The applicant Mr Rashid was in attendance.

The Clerk confirmed that the applicant had undertaken the Servewise training course and awaited the training certificate.

The Licensing Co-ordinator advised that the course undertaken by the applicant was relevant to the new 2005 Act.

The Board **AGREED** that the training course relative to the new 2005 Act was acceptable and to continue consideration of the matter to a further meeting of the Adjourned Licensing Board to enable the applicant to submit the training certificate. It was further **AGREED** to delegate powers to the Clerk to approve the application should the certificate be handed in prior to the said meeting.

### **2. Applications for Affirmation of Provisional Licence**

#### **Item 2.1 Vicar Street, Falkirk**

Having heard the applicant's agent Mr Travers advise that the requisite building warrant was still awaited by his client, the Board **AGREED** to delegate affirmation of the provisional licence to the Clerk.

### **3. Applications for Regular Extension of Permitted Hours**

The Board granted the applications for regular extension of permitted hours as detailed in paragraph (a) below and reached the decisions shown on those items detailed in paragraph (b) below:-

**(a)**

**Item 3.2 Behind the Wall Public House, 14 Melville Street, Falkirk**

**Item 3.4 Mill Inn, 2 Thornhill Road, Falkirk**

**Item 3.5 Millfield, Main Street, Polmont**

**(b)**

**Item 3.1 Behind the Wall Entertainment Venue, 1 South Melville Lane, Falkirk**

The Board **AGREED** to grant the revised hours submitted, namely:- Sunday and Thursday 11 pm – 1 am; Monday – Wednesday 11pm to Midnight; Friday and Saturday 11 pm to 3 am, and Sunday 2.30 pm to 6.30 pm

### **Item 3.3 Gordon Lounge, 100 Thornhill Road, Falkirk**

The applicant Mrs Reddington was heard in support of her application.

Following questions to the applicant the Board adjourned for a short period. On re-convening, the Board **AGREED** that the application be **GRANTED** in part with the exception of the additional hours on Tuesday, Friday and Saturday 9.30 am – 11 am which were **REFUSED** on the basis that no need had been established.

### **Item 3.6 Vicar Street No, 43, Falkirk**

Having heard the agent for the applicant Mr Travers explain that he was not the principal agent for the matter and could not himself address the Board in justification of the extended hours, the Board **AGREED** to continue the matter to the further meeting of the Adjourned Board.

Councillors McLuckie and Waddell left the meeting prior to the Board hearing item 4.1 but were present for items 4.2, 4.3 & 4.5.

## **4. Application for the Grant, including the Provisional Grant of a New Licence**

### **Item 4.1 Behind the Wall Entertainment Venue, 1 South Melville Lane, Falkirk**

The applicant's agent Mr Thomson and the objector's agent Mr McIver, Brunton Miller were both in attendance.

The Provost advised that Members had recently attended a site visit of the premises. The visit focussed on what existed at present; it was a purely physical inspection.

Plans detailing the proposals were circulated to Members of the Board.

The Clerk reminded Board Members that a letter of police observation and a letter of objection from Brunton Miller on behalf of Castle Leisure Group were considered at the recent Licensing Board Meeting. She also reminded the Board that the locality had been determined and what the locality was.

Questions were then asked of the applicant's agent Mr Thomson by Members of the Board.

Both parties were in turn invited to sum up.

The Board **AGREED** to adjourn for a period.

On re-convening the Board **AGREED** that the application be **GRANTED** subject to the following condition.

1. the Applicant shall submit for approval of the Licensing Board a formal programme of types of entertainment (including breaks) to be provided during the opening hours

of the premises; “entertainment” to include, but not be limited to, performances, revues, acts, dancing to live or pre-recorded amplified music, but shall not include the simple provision of live television or the mere giving of permission to dance in the premises, such programme to be approved prior to the premises operating under the licence. The applicant shall be entitled to submit variations to the programme for approval, but until such variation is approved the existing programme shall be adhered to.

2. Alcohol shall only be supplied during the hours in which the approved programme is in operation

Mr McIver requested a statement of reasons.

**Item 4.2 The Falkirk Wheel, Lime Road, Tamfourhill**

The Board **AGREED** to **GRANT** the application.

**Item 4.3 Shop at 18 Westboreland Road, Denny**

The Clerk advised that the application had been withdrawn.

**NOTED**

**Item 4.4 Behind the Wall Public House, 14 Mellville Street, Falkirk Council**

On clarifying that the objector to Behind the Wall Entertainment Venue was not objecting to this application, the Board **GRANTED** the public house licence.

**Item 4.5 Kinneil Inn, 84 Corbiehall, Bo’ness**

The Board **NOTED** that the item had been advertised and would be continued to a further adjourned meeting of the Licensing Board.