

AGENDA ITEM

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Draft

FALKIRK COUNCIL

**Minute of Meeting of the Licensing Board held in the Council Chambers,
Municipal Buildings, Falkirk on Wednesday 13 February 2019 at 9.30 a.m.**

COUNCILLORS:

David Balfour
Lorna Binnie
Robert Bissett
Allyson Black
Provost William Buchanan
Niall Coleman
John Patrick
Depute Provost Ann Ritchie

OFFICERS:

Arlene Fraser, Committee Services Officer
Rose Mary Hoey, Legal Services Manager
Lynn McGarva, Licensing Officer
Colin Moodie, Chief Governance Officer (Clerk)

ALSO ATTENDING:

Lindsay Fyfe, Licensing Standards Officer (LSO)
Thomas Ross, Licensing Standards Officer (LSO)
PC G Hutchison, Police Scotland
Sergeant C Mackenzie, Police Scotland

LB67. Apologies

There were no apologies.

LB68. Declarations of Interest

There were no declarations of interest.

LB69. Minute

**The minute of meeting of the Licensing Board held on 19 December
2018 was approved.**

LB70. Applications for a Provisional and a New Premises Licence

The Board considered a report by the Clerk of the Licensing Board providing information on (1) an application made in terms of sections 20 & 45 of the Licensing (Scotland) Act 2005 for the provisional grant of a premises licence at Keystore, 68 Main Street, Shieldhill, and (2) an application made in terms of section 20 of the Licensing (Scotland) Act 2005 for the grant of a new

premises licence at Denny True Blues LOL No.257, 16 West Boreland Road, Denny. The applications were continued from the previous meeting of the Licensing Board to allow members an opportunity to visit the premises. The visits took place on 31 January 2019.

Keystore, 68 Main Street, Shieldhill

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 and agreed to attach the undernoted conditions, namely:-

- (1) that the premises have in place a CCTV system which must be:**
 - to a specification approved by the Chief Constable
 - maintained in full working order
 - operational at all times the premises are open for business
 - operated on accordance with data protection legislation, and
 - operated with accordance with the ICO Code of Practice for Surveillance Equipment and Personal Information;
- (2) the licenceholder must ensure that images from the CCTV system must be made available to a Licensing Standards Officer or Police Constable on request in a suitable format. The Board expects licenceholders to ensure that staff working on the premises are trained in the use of the system; and**
- (3) the requirement for an Electronic Point of Sale (EPOS) type till to be used and which till(s) must be:**
 - used for all sales of alcohol
 - maintained in full working order
 - operational at all times the premises are open for business
 - accurately record the date and time of each sale of alcohol
 - accurately record the type (beer, wine, spirits) or name of the product
 - accurately record the amount of alcohol sold.

Denny True Blues LOL No.257, 16 West Boreland Road, Denny

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 premises licence.

LB71. Application for Non Minor Variation to a Premises Licence Richmond Park Hotel, 26 Linlithgow Road, Bo'ness

The Board considered a report by the Clerk to the Licensing Board providing details of an application made in terms of section 29 of the Licensing (Scotland) Act 2005 for the variation to a premises licence for Richmond Park Hotel, 26 Linlithgow Road, Bo'ness. Members of the Licensing Board undertook a site visit of the premises on 31 January 2019.

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

Sergeant C Mackenzie and Lindsey Fyfe, LSO were also heard 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:-

(1) to amend specific condition 3 to read:

The erection of a marquee or other structure will only be permitted on the last Friday in June each year. On that day, no children/young persons will be permitted in the marquee or other structure which houses the outdoor bar. Children and young persons will be permitted access to the food service structures. The entrance/exit to the grounds must be stewarded effectively to ensure access is monitored and no persons are able to take alcohol in open containers in or out of the grounds. Outside drinking will cease at 2100 hrs, and

(2) to amend the outdoor drinking area part of the layout plan to show where the marquee and/or other temporary structures will be situated within the grounds of the premises on the last Friday in June each year and to show the area in which outdoor drinking will be permitted on that day to include the whole car park.

The applicant's agent gave the following undertakings:-

- signage will be in place alerting patrons to the first aid point located at the hotel reception area**
- 8 portable toilets will be situated on site**
- 6 stewards will be in attendance throughout the duration of the event**

- there will be a stewarding presence from 1030 hrs
- a female steward/1st aider will be in attendance
- stewards will use a “clicker” system to monitor the number of patrons on the day
- stewards will be issued with logs for completion throughout the day e.g. refused entry/refusal log/issues arising
- a risk assessment will be undertaken to include evacuation procedures in case of an emergency
- there will be a designated “lost children” point
- seating areas/picnic benches will be available for part ons
- there will be no cars in the premises car park

LB72. Application for Renewal of Personal Licence – Hearing

The Board considered a report by the Clerk to the Licensing Board providing details of an application made in terms of section 74 of the Licensing (Scotland) Act 2005.

The personal licence holder was in attendance.

A notice had been submitted by the Chief Constable in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005 confirming that the personal licence holder had been convicted of a relevant offence and recommending that the application be refused. Where such a notice is received, the Board must hold a hearing for the purpose of determining the application.

The Board heard from Sergeant Mackenzie, Police Scotland in amplification of the matters set out in the Chief Constable’s notice.

The Board then heard the personal licence holder in relation to his relevant offence.

Questions were asked by members of the Board.
Both parties were given the opportunity to sum up.

The Board agreed to a short adjournment. The Board adjourned at 11.05 a.m. and reconvened at 11.40 a.m. with all members present as per the sederunt.

Decision

The Board agreed to renew the personal licence.