

Draft

**FALKIRK COUNCIL**

**Minute of Meeting of the Licensing Board held in the Council Chambers,  
Municipal Buildings, Falkirk on Wednesday 20 March 2019 at 9.30 a.m.**

**COUNCILLORS:**

David Balfour  
Lorna Binnie  
Robert Bissett  
Allyson Black  
Provost William Buchanan  
Niall Coleman

**OFFICERS:**

Alison Barr, Consumer Protection Manager  
Arlene Fraser, Committee Services Officer  
Rose Mary Hoey, Legal Services Manager  
Jessica Knight, Trainee Solicitor  
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

**LB73. Apologies**

Apologies were intimated on behalf of Depute Provost Ritchie and Councillor Patrick.

**LB74. Declarations of Interest**

There were no declarations of interest.

**LB75. Minute**

**The minute of meeting of the Licensing Board held on 13 February 2019 was approved.**

**LB76. Application for Provisional Grant of Premises Licence  
Restaurant at 22 East Pier Street, Bo'ness**

The Board considered a report by the Clerk of the Licensing Board providing details of an application made in terms of sections 20 & 45 of the Licensing (Scotland) Act 2005 for the provisional grant of a premises licence. The Licensing Board undertook a site visit of the premises on 15 March 2019.

The Board heard from the applicant's agent 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 condition, namely:-**

**(1) that outdoor drinking will cease at 2200 hrs.**

**The applicant's agent gave an undertaking that the outdoor drinking area would not be used until such time as it was considered suitable for such use, by whichever officer the Board nominates.**

**LB77. Application for Grant of Premises Licences**

The Board considered a report by the Clerk of the Licensing Board providing details of an application made in terms of section 20 of the Licensing (Scotland) Act 2005 for the grant of a premises licence, namely (1) Premier Village Store, 2-3 Dower Place, Airth and (2) The Community Area, Mid Level, The South Stand, Falkirk Stadium, Westfield, Falkirk. The Licensing Board undertook site visits of the premises on 15 March 2019.

**Premier Village Store, 2-3 Dower Place, Airth**

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

**Decision**

**The Board granted the premises licence.**

**The Community Area, Mid Level, The South Stand, Falkirk Stadium,  
Westfield, Falkirk**

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

## **Decision**

**The Board granted the premises licence and agreed to attach the undernoted condition, namely:-**

- (1) that children and young persons will not be permitted in the immediate vicinity of the bar server area, and that appropriate signage be displayed to this effect.**

### **LB78. Application for Non Minor Variation to a Premises Licence The Temple (formerly Warehouse), Burnbank Road, Bainsford**

The Board considered a report by the Clerk of the Licensing Board providing details of an application made in terms of section 30 of the Licensing (Scotland) Act 2005 for variation to a premises licence namely The Temple (formerly Warehouse), Burnbank Road, Bainsford. The Licensing Board undertook a site visit to the premises on 15 March 2019.

The Board noted that a representation had been received from the Chief Constable, Police Scotland in respect of the application.

The applicant's agent advised that she had no issue with the letter of representation being circulated to members. Accordingly, a copy of the letter was circulated to members.

Sergeant Mackenzie was heard in relation to the Chief Constable's representation which included a proposed modification to the children's access in the variation application.

The applicant's agent agreed to accept the Chief Constable's modification, and confirmed that she wished to further modify the children and young persons access to restrict the terminal hour to 2300 hrs.

There were no questions to Sergeant Mackenzie.

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

The Board agreed to a short adjournment. The Board adjourned at 10.50 a.m. and reconvened at 11.15 a.m. with all members present as per the sederunt.

## **Decision**

**The Board agreed to continue the matter to a future meeting of the Licensing Board to allow (1) the applicant to make changes to the premises, and (2) a further site visit.**

**LB79. Applications for Extended Hours  
City Falkirk, 8-12 Princes Street, Falkirk**

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

The applicant's representative advised that that the extended hours application for the event on Sunday 31 March 2019 from 0300 hrs to 0400 hrs (event starting on Saturday 30 March) had been withdrawn.

The Board noted that objections had been received from the Chief Constable, Police Scotland in respect of the applications.

The applicant's representative advised that she had no issue with the letters of objection being circulated to members. Accordingly, copies of the letters of objection were circulated to members.

Sergeant Mackenzie was heard in relation to the Chief Constable's objections for each application.

There were no questions to Sergeant Mackenzie.

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

Both parties summed up.

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

**Decision**

**The Board:-**

- (1) granted the extended hours application for Sunday 31 March 2019 from 1000 hrs to 1100 hrs for (i) Celtic v Rangers football match, and (ii) Mother's Day brunch, and**
- (2) refused the extended hours application for the event taking place on Sunday 21 April 2019 from 0300 hrs to 0400 hrs (event starting on Saturday 20 April).**

The Board agreed to an adjournment. The Board adjourned at 12.20 p.m. and reconvened at 1.00 p.m. with all members present as per the sederunt, with the exception of Councillor Balfour.

**LB80. Premises Licence Review Application - Lauries Bar, Mary Street, Laurieston  
Personal Licence Report of Conduct Inconsistent with Licensing Objectives**

The Board considered a report by the Clerk of the Licensing Board (a) advising that an application had been received from the Chief Constable, Police Scotland to review the premises licence in respect Lauries Bar, Mary Street, Laurieston details of which were circulated as an appendix to the report; (b) summarising the review process in terms of section 36 of the Licensing (Scotland) Act 2005, (c) attaching as an appendix to the report, the Licensing Standards Officer's report in terms of section 38(4) of the 2005 Act, and (d) advising that a report of conduct inconsistent with licensing objectives in relation to a personal licence holder, had also been received from the Chief Constable, Police Scotland.

Eoghan McAlpine, premises licence holder and personal licence holder, was in attendance.

Sergeant Mackenzie was heard in amplification of the matters set out in the Chief Constable's premises licence review request, and the report of conduct inconsistent with licensing objectives.

There were no questions to Sergeant Mackenzie from Mr McAlpine.

Questions were asked by members of the Board to Sergeant Mackenzie.

The Board invited Mr McAlpine to respond to the concerns raised in the premises licence review and report of conduct inconsistent with licensing objectives relating to his personal licence.

There were no questions to Mr McAlpine from Sergeant Mackenzie.

Questions were asked by members of the Board to Mr McAlpine.

The Licensing Standards Officer was then heard in relation to her report.

Both parties summed up.

The Board agreed to a short adjournment. The Board adjourned at 1.45 p.m. and reconvened at 2.00 p.m. with all members present as per the sederunt, with the exception of Councillor Balfour.

**Decision**

**The Board agreed:-**

- (1) that grounds for review in terms of section 36(3)(b) of the Act were established relevant to the licensing objective of preventing children and young persons from harm; to a breach of specific condition 5 of the premises licence, and to a breach of mandatory condition 2, relating to failure to comply with the terms of the operating plan of the premises licence;**
- (2) in terms of section 39(2) to take the following action which it considered necessary or appropriate for the purposes of the foregoing licensing objective; to the breach of specific condition 5, and to the breach of mandatory condition 2, namely:-**
  - to issue a warning letter, and**
  - to vary the premises operating plan in relation to children and young persons access only, namely:**
    - i. children aged 0-15 years will be allowed entry for the purpose of having a meal until 2000 hrs and only when accompanied by a responsible adult;**
    - ii. young persons 16 & 17 year olds will be allowed entry for the purpose of having a meal until 2200 hrs, only when accompanied by a responsible adult, and**
    - iii. children and young persons will only be permitted access to the top tier restaurant area and to the toilet facilities.**
- (3) in relation to the report of conduct inconsistent with licensing objectives, the Board was satisfied that there had been conduct by the personal licence holder inconsistent with the licensing objective of protecting children and young persons from harm; and**
- (4) was satisfied that it was necessary for the purpose of that licensing objective to endorse the personal licence.**