

Draft

FALKIRK COUNCIL

Minute of Meeting of the Licensing Board held in the Council Chambers, Municipal Buildings, Falkirk on Wednesday 9 October 2019 at 9.30 a.m.

COUNCILLORS: David Balfour
Lorna Binnie
Robert Bissett
Provost William Buchanan
Niall Coleman (Convener)
John Patrick
Depute Provost Ann Ritchie

OFFICERS: Alison Barr, Consumer Protection Manager
Arlene Fraser, Committee Services Officer
Adam Holmes, MA (Licensing Section)
Colin Moodie, Chief Governance Officer (Clerk)

ALSO ATTENDING: Lindsay Fyfe, Licensing Standards Officer
David Gray, Environmental Protection Co-ordinator
PC G Hutchison, Police Scotland
Sergeant C Mackenzie, Police Scotland
Crawford Sibbald, Environmental Health Officer

The items have been recorded in the order that they were considered at the meeting.

LB25. Apologies

Apologies were intimated on behalf of Councillor Black.

LB26. Declarations of Interest

There were no declarations of interest.

LB27. Minute

The minute of the meeting of the Licensing Board held on 21 August 2019 was approved.

**LB28. Gambling Act 2005 - Application for Licensed Premises Gaming Machine Permit
Probowl, Redbrae Road, Camelon, Falkirk**

The Board considered a report by the Clerk to the Licensing Board providing details of an application made in terms of section 283 of the Gambling Act 2005 for the

purpose of offering Category C and Category D gaming machines at Probowl, Redbrae Road, Camelon, 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 application for licensed premises gaming machine permit (for more than two gaming machines) within Probowl, Redbrae Road, Camelon, subject to the mandatory conditions set out in section 283(3) of the Gambling Act 2005.

LICENSING (SCOTLAND) ACT 2005

LB29. Application for Non Minor Variation of Premises Licence

The Board considered a report by the Clerk to the Licensing Board providing details of an application made in terms of section 30 of the Licensing (Scotland) Act 2005 for the non minor variation to the premises licence at Probowl, Redbrae Road, Camelon.

Depute Provost Ritchie left the meeting at this point.

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

Councillor Coleman, seconded by Councillor Bissett, moved that the application be granted as applied for.

By way of an amendment, Councillor Binnie, seconded by Councillor Balfour moved that the application be granted as applied for, with the exception to the removal of the current specific condition.

The vote was taken by roll call, there being 6 members present with voting as undernoted:-

For the Motion (4) – Provost Buchanan, Councillors Bissett, Coleman and Patrick.

For the Amendment (2) – Councillors Binnie and Balfour.

Decision

The Board granted the following variations to the current licence, namely to:-

(1) increase the approved operating hours as follows:

Sunday 11:00 am until 12 Midnight;

(2) the addition of the following seasonal variation, namely:

- during the Festive period as defined by Falkirk Council Licensing Board, the premises will operate additional hours for the sale of alcohol in accordance with the Board's policy in that regard.
- (3) to the addition of children and young persons access to the premises as follows:
- children will be allowed on the premises after 2000 hrs when supervised by a responsible adult
 - young persons will be allowed on the premises after 2200 hrs when supervised by a responsible adult
 - children and young persons will be allowed entry during all opening hours
- (4) removal of the following specific condition:
- no fewer than 4 of the bowling lanes must be designated alcohol free lanes for use by families and children. Signage must be erected to identify the lanes as such, said signage to be readily visible to patrons. The licence holder must also ensure appropriate and regular monitoring of those lanes by a responsible member of staff to ensure the absence of alcohol and to oversee children and young persons safety, and
- (5) amendment of the layout plan to show:
- relocation of the bar, office accessible toilet and reception desk
 - removal of ladies and gents toilets, pro shop, ball racks, cafeteria area, pool hall, bar lounge, cool room, bottle store, manager's office, general office and staff room

LB30. Occasional Licence Application - Brian Clark Memorial Hall, Burnside Terrace, Camelon

The Board considered a report by the Clerk to the Licensing Board providing details of applications made in terms of section 56 of the Licensing (Scotland) Act 2005 for occasional licences for Brian Clark Memorial Hall, Burnside Terrace, Camelon.

It was noted that 4 applications for occasional licences had been submitted on 8 August 2019. All 4 applications were sought for in house darts competitions. An objection had been lodged against the grant of all 4 applications. Three of the applications fell due to the events taking place between the August and October licensing board meetings, and therefore the premises were not licensed for these events. However, the occasional licence application for Friday 11 October 2019, detailed in appendix 1 to the report, required to be determined by the Licensing Board. The objector to the applications, Mr D Malley was not in attendance.

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

The applicant's agent was heard in response to the issues raised in the objection and in clarification of questions raised by members.

The Board heard from the Environmental Protection Co-ordinator in clarification to a matter referred to in the letter of objection.

The Board then heard from the Licensing Standards Officer.

Sergeant Mackenzie, Police Scotland was heard in clarification to a matter referred to in the letter of objection.

The Board agreed to a short adjournment and reconvened with all members present as per the sederunt, with the exception of Depute Provost Ritchie.

Decision

The Board granted the occasional licence for Friday 11 October 2019 from 1800 hrs until 2330 hrs.

The applicant's agent gave an undertaking that there would be no live or recorded music played during the duration of the occasional licence.

LB31. Occasional Licence Applications - The Parsonage, Dunmore Park, Airth

The Board considered a report by the Clerk to the Licensing Board providing details of two applications made in terms of section 56 of the Licensing (Scotland) Act 2005 for occasional licences for The Parsonage, Dunmore Park, Airth.

It was noted that an objection had been lodged against the grant of the applications, and that the objector, Mr Mitchell, was not in attendance.

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

The applicant's agent was heard in response to the issues raised in the objection. Both the applicant and his agent were heard in clarification of questions raised by members.

The Board heard from the Environmental Health Officer in clarification to matters referred to in the letter of objection.

The Licensing Standards Officer was heard in clarification to a matter referred to in the letter of objection.

The Board then heard from Sergeant Mackenzie.

The Board agreed to a short adjournment and reconvened with all members present as per the sederunt, with the exception of Depute Provost Ritchie.

Decision

The Board granted the following occasional licences, namely:

- (1) Friday 11 October 2019 from 1300 hrs until 0100 hrs on Saturday 12 October, and**
- (2) Saturday 26 October from 1300 hrs until 0100 hrs on Sunday 27 October 2019.**

The Board agreed to the addition of the following 4th condition, namely:

- That the doors to the marquees would remain closed for the duration of the occasional licence.**

The applicant also gave the Board the following undertakings, namely:-

- that additional external lighting would be installed at the entrance to the driveway of the premises;**
- to check the noise limiter currently in use to ensure that it is in good working order;**
- to review the current policies in relation to noise control measures and to liaise with Falkirk Council's Noise Team in relation to addressing the recent noise complaints.**

Provost Buchanan left the meeting after consideration of the previous item.

LB32. Extended Hours Applications - Grangemouth Rugby Club, Glensburgh Road, Grangemouth

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 the applicant in respect of the applications and in clarification of questions raised by members.

Decision

The Board granted the following extended hours, namely:-

- (1) Saturday 26 October 2019 from 0900 hrs to 1100 hrs;**
- (2) Sunday 27 October 2019 from 0900 hrs to 1100 hrs, and**
- (3) Saturday 2 November 2019 from 0900 hrs to 1100 hrs.**

The applicant gave an undertaking that breakfast would be provided in the premises during the extended hours.

LB33. Application for the Provisional Grant of a Premises Licence - Taste, 179 High Street, Falkirk

The Board considered a report by the Clerk to 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 Board heard from the applicant in respect of the application and in clarification of questions raised by members.

Decision

The Board granted the provisional premises licence.

The applicant gave an undertaking that prior to confirmation of the licence, the CCTV system will have been approved by Police Scotland.

LB34. Application for Personal Licence – Hearing

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

A notice had been submitted by the Chief Constable in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005 recommending refusal of the application and, 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.

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

Both parties summed up.

The Board agreed to a short adjournment and reconvened with all members present as per the sederunt, with the exception of Provost Buchanan and Depute Provost Ritchie.

Decision

The Board granted the personal licence.

LB35. Applications for Non Minor Variations of Premises Licences

The Board considered a report by the Clerk of the Licensing Board providing details of applications made in terms of section 30 of the Licensing (Scotland) Act 2005 for the non minor variations to premises licences, namely (1) Probowl, Redbrae Road, Camelon; (2) Asim Stores, 65 Main Road, Maddiston; (3) Scotia Bar, 51 Manor Street, Falkirk, and (4) Lodge Polmont 793, 14 Maddiston Road, Brightons.

The variation application for Probowl, Redbrae Road, Camelon had been determined earlier at the meeting.

Asim Stores, 65 Main Road, Maddiston

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 following variations to the current licence, namely to:-

- (1) increase the On Sales operating hours:**
 - **Sunday 10:00 am until 12 Midnight;**
- (2) the addition of hot food to go on the list of any other activities, and**
- (3) amend the list of any other activities to indicate that the sale of groceries and newspapers starts at 6.00 am.**

Scotia Bar, 51 Manor Street, 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 following variations to the current licence, namely to:-

- (1) increase the approved operating hours as follows:-**

On-Sales
Sundays from 1130 hrs to 2400 hrs

Off-Sales
Sundays from 1130 hrs to 2200 hrs

Lodge Polmont 793, 14 Maddiston Road, Brightons

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 following variations to the current licence, namely to:-

- (1) increase the approved on-sales operating hours as follows:**

**Monday to Thursday
1100 hrs to 2400 hrs**

**Friday and Saturday
1100 hrs to 0100 hrs**

Sunday 1200 hrs to 2400 hrs

(2) change the access and times for children and young persons as follows:-

(a) children and young persons when attending a function, will be permitted until the terminal hour, and

(b) children and young persons will be allowed entry to the hall entrance, lounge area and first floor function suite. Access to and egress from the toilets.

LB36. Application for Personal Licence – Hearing

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

The application had called at the previous meeting of the Licensing Board on 21 August 2019 when it was continued as the applicant was unable to attend.

It was noted that the applicant was not in attendance.

Decision

The Board agreed to continue the application to the next meeting of the Licensing Board to allow the applicant a further opportunity to be in attendance.