

Draft

FALKIRK COUNCIL

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

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

OFFICERS: Alison Barr, Consumer Protection Manager
Karen Chambers, Committee Services Officer
Colin Moodie, Chief Governance Officer (Clerk)

ALSO ATTENDING: Lindsay Fyfe, Licensing Standards Officer
PC Hutchison, Police Scotland
Sergeant Mackenzie, Police Scotland
Chief Inspector Stewart, Police Scotland

LB37. Apologies

Apologies were intimated on behalf of Councillor Bissett.

LB38. Declarations of Interest

Councillor Coleman declared a non-financial interest in Item 8 (North Broomage Social Club) as they host his surgery at no cost to the Council.

LB39. Minute

The minute of the meeting of the Licensing Board held on 9 October 2019 was approved.

LB40. Chief Constable's Report for 1 April 2018 to 31 March 2019

The Board considered a report from the Clerk to the Board which set out the duty of the Chief Constable to send an annual report to each Licensing Board in Scotland in respect of the policing of the Licensing (Scotland) Act 2005 in the Board's area and any work undertaken in preventing the sale or

supply of alcohol to those under 18 years. The Chief Constable's report was attached as an appendix to the report.

Chief Inspector Stewart presented the report to the Board.

Decision

The Board noted the report.

LB41. Application for the Grant of Premises Licence Elphinstone Inn, High Street, Airth, Falkirk

The Board considered a report by the Clerk to the Licensing Board providing details of an application made in terms of section 23 of the Licensing (Scotland) Act 2005 for the grant of a premises licence.

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

An objector was heard in respect of the application.

The Board agreed to a short adjournment at 10.40 am and reconvened at 10.48am with all members present as per the sederunt.

Decision

The Board agreed to grant the new premises licence and agreed to attach the undernoted condition, namely:-

(1) Live music is to end at least 30 minutes before the terminal hour.

LB42. Application for Non Minor Variation of Premises Licences

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, namely (1) Canalside Pub & Grill, Redding Road, Reddingmuirhead, (2) 189 Bar, Main Street, Airth; (3) Blackness Inn, Blackness Square, Blackness, and (4) Leapark Hotel, 130 Bo'ness Road, Grangemouth.

Canalside Pub & Grill, Redding Road, Reddingmuirhead

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 at 11.10am and reconvened at 11.20am with all members present as per the sederunt.

Decision

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

- (1) change the access and times for children and young persons as follows:-**
 - **when accompanied by an adult for the purpose of attending a function or having a meal. Children and young persons will not be permitted to use gaming machines nor partake in any games with an element of gaming.**
 - **allowed entry from 0 to 17 Years of age.**
 - **allowed entry when attending for a meal permitted until 2200 hours in the restaurant and 2000 hours in the bar area.**
 - **attending a function permitted until the terminal hour.**
 - **allowed entry in all public parts of the premises for children and young persons which include the restaurant, external area and bar/lounge.**
- (2) amendments to the layout plan to show:**
 - **increase in the access areas for children and young persons, and;**
 - **increase in the outside seating area.**

189 Bar, Main Street, Airth

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

The Board agreed to a short adjournment at 12 noon and reconvened at 12.25pm with all members present as per the sederunt.

Decision

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

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

Sunday 1000 hrs until 2345 hrs
- (2) increase the approved off-sales operating hours as follows:**

Monday to Friday 1100 hrs until 2200 hrs
Saturday to Sunday 1000 hrs until 2200 hrs

- (3) add to the list of approved activities during core hours**
 - **films, gaming, indoor/outdoor sports and televised sports**
- (4) add to the list of approved activities within and outwith core hours**
 - **conference facilities and bar meals**
- (5) add the following information in relation to activities taking place outwith core hours:**
 - **conference facilities may be required outwith core hours to cater for such events and provide teas, coffees, breakfasts etc.**
 - **bar meal facilities may be required outwith core hours to cater for teas, coffees, breakfasts, etc, and**
 - **dance classes, OAP meeting group, community access for meetings and discussion, projects relating to the village, band practice**
- (6) change the access and times for children and young persons as follows:-**
 - **children will be allowed on the premises while supervised by an adult for:**
 - (i) the purposes of consuming a meal,**
 - (ii) other activity aimed at children which the premises seeks to offer**
 - (iii) attending a function**
 - **young persons 16/17 years old will be allowed on the premises unaccompanied for:**
 - (i) the purposes of consuming a meal,**
 - (ii) other activity aimed at young persons which the premises seeks to offer**
 - (iii) attending a function**
 - **Children and young persons –**
 - (i) 2100 hours**
 - (ii) 2100 hours**
 - (iii) terminal hour**

- Young persons should be accompanied by an adult while attending functions at the premises after 2100 hours.
 - Children and young persons will have access to all public parts of the premises
- (7) to amend the wording of the condition relating to the kitchen to read:
- meals will be available to patrons at weekends from the start of the on sales core hours.

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

Blackness Inn, Blackness Square, Blackness

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) add to the following list of approved activities within and outwith core operating hours
 - films
- (2) add to the following list of approved activities outwith core operating hours:
 - bar meals
 - receptions, including weddings, funerals, birthdays, retirements etc.
 - club or other group meetings etc.
 - recorded music
 - televised sport
 - outdoor drinking facilities
- (3) add to the following list of other activities within core operating hours:
 - pub quiz
- (4) amend the layout plan to show the refurbishment of the premises, including:

- repositioning of bar
 - new internal layout
 - ancillary shop
 - increase in the size of the outdoor drinking area
- (5) increase the capacity from 30 to 90 persons;
- (6) change the description of the premises to include the ancillary shop;
- (7) change the access and times for children and young persons as follows:-
- Children will be allowed entry when accompanied by an adult;
 - Children are permitted access unaccompanied via the side door to make purchases from the shop;
 - Young persons will be allowed access on their own;
 - Children and young persons will be allowed access from opening until 2200 hrs;
 - Children and young persons may remain at the discretion of management for functions.

Leapark Hotel, 130 Bo'ness Road, Grangemouth

The Board heard from the applicant in respect of the application.

Decision

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

- (1) increase the approved on sales operating hours as follows:
- Sunday 1100 hrs to 2400 hrs
- (2) increase the approved off sales operating hours as follows:-
- Sunday 1100 hrs to 2200 hrs
- (3) change the access and times for children and young persons as follows:-

- **Children and young persons will be allowed entry into Treetops Lounge until 2200 hrs.**

(4) to amend the seasonal variation in the operating plan to read:

Festive functions over the Christmas and New Year period from the last weekend in November to 1 January the following year. Over the said period the hotel is normally open as follows:

**Sunday to Saturday 11.00 to 02.00
On 31 December from 11.00 to 03.00**

(5) change the terminal hour on Hogmanay from 4am to 3am.

**LB43. Applications for Extended Hours – Festive Period
Leapark Hotel, 130 Bo'ness Road, Grangemouth**

Decision

Given the decision in item 6 in relation to the Leapark Hotel premises, this item fell and was not considered.

Councillor Coleman left the meeting prior to consideration of the following item of business in accordance with his declaration of interest and Councillor Binnie took the Chair.

**LB44. Applications for Occasional Licences
North Broomage Social Club, Graham Avenue, Larbert**

The Board considered a report by the Clerk to the Licensing Board providing details of an application made in terms of section 56 of the Licensing (Scotland) Act 2005 for an occasional licence for North Broomage Social Club, Graham Avenue, Larbert.

The applicant was heard in relation to the application.

Decision

The Board agreed to grant the application for an occasional licence from 1830 hrs on Tuesday 31 December 2019 to 0030 hrs on Wednesday 1 January 2020.

Councillor Coleman re-entered the meeting and resumed the Chair.

The Board agreed to an adjournment. The Board adjourned at 1.25pm and reconvened at 2.05pm with all members present as per the sederunt with the exception of Provost Buchanan and Councillor Ritchie.

LB45. Application for Personal Licence – Hearing

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 application had called at the previous meeting of the Licensing Board on 9 October 2019 when it was continued as the applicant was unable to attend.

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 Lindsay Fyfe, the Licensing Standards Officer. The LSO indicated further information had come to light after the time limit for the LSO report had expired. The Board agreed the information submitted by the LSO under section 135 (1) be accepted as late.

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

Both parties summed up.

The Board agreed to an adjournment at 2.18pm and reconvened at 2.25pm with all members present as per the sederunt, with the exception of Provost Buchanan and Depute Provost Ritchie.

Decision

The Board refused the application for a personal licence on the grounds that it was satisfied that the applicant was not a fit and proper person to be the holder of such a licence having regard to the licensing objectives, with particular reference to that of preventing crime and disorder.

LB46. Application for Personal Licence – Hearing

The Board considered a report by the Clerk of 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 confirming that the personal licence holder had been convicted of a relevant offence. Where such a notice is received, the Board may hold a hearing for the purpose of determining the application.

The Board agreed to hold a hearing.

Sergeant Mackenzie, Police Scotland was heard in amplification of the matters set out in the Chief Constable's notice.

The Board then heard from the applicant in support of the application and 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 at 2.45pm and reconvened at 2.55pm with all members present as per the sederunt, with the exception of Provost Buchanan and Depute Provost Ritchie.

Councillor Coleman, seconded by Councillor Black moved to refuse the application for a personal licence on the grounds the applicant was not a fit and proper person to be the holder of such a licence having regard to the licensing objectives.

As an amendment, Councillor Balfour, seconded by Councillor Patrick moved to grant the application for a personal licence.

The vote was taken by roll call, there being 5 members present with voting as undernoted:-

For the motion (2): Councillors Black and Coleman.

For the amendment (3): Councillors Balfour, Binnie and Patrick.

Decision

The Board agreed to grant the personal licence application.

LB47. Application for Personal Licence – Hearing

The Board considered a report by the Clerk of 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 confirming that the personal licence holder had been convicted of a relevant offence. Where such a notice is received, the Board may hold a hearing for the purpose of determining the application.

The Board agreed to hold a hearing.

Sergeant Mackenzie, Police Scotland was heard in amplification of the matters set out in the Chief Constable's notice.

The Board then heard from the applicant in support of the application and 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 an adjournment at 3.15pm and reconvened at 3.25pm with all members present as per the sederunt, with the exception of Provost Buchanan and Depute Provost Ritchie.

Decision

The Board agreed to grant the personal licence application.

LB48. Annual Retention Fee

The Board considered a report by the Clerk of the Licensing Board updating members on the review of the payment process, and providing details of those premises licence holders that failed to pay their annual fee by 1 October 2019.

Decision

The Board noted the report.

LB49. Dates of Licensing Board Meetings 2020

The Board considered a report by the Clerk presenting a draft timetable of Licensing Board meetings in 2020.

Decision

The Board agreed the dates of ordinary meetings in 2020.