

Agenda Item 4

Draft

FALKIRK COUNCIL

Minute of Meeting of the Licensing Board held remotely on Wednesday 28 October 2020 at 10.00 a.m.

COUNCILLORS:

David Balfour
Lorna Binnie
Robert Bissett
Allyson Black
Provost William Buchanan
Niall Coleman (Convener)
James Kerr
John McLuckie
John Patrick
Depute Provost Ann Ritchie

OFFICERS:

Alison Barr, Consumer Protection Manager
Karen Chambers, Committee Services Officer
Jack Frawley, Team Leader – Committee Services
Colin Moodie, Chief Governance Officer (Clerk)

ATTENDING:

Lindsay Fyfe, Licensing Standards Officer
Thomas Ross, Licensing Standards Officer

ALSO ATTENDING:

Sergeant L Livingstone, Police Scotland
Kirsty Paterson, Falkirk Herald

LB20. Exclusion of Public and Determination of Form of Hearing

The Board agreed (1) to exclude the public in terms of paragraph 12 of the schedule 1 to the Licensing (Scotland) Act 2005 for a reason connected with coronavirus; and (2) in terms of section 133 of the Act to determine that hearings should not take place in person for a reason connected with coronavirus and that the parties would be heard by video conferencing, telephone or written submissions.

LB21. Apologies

There were no apologies.

LB22. Declarations of Interest

Depute Provost Ritchie declared a non-financial interest in item LB28 as the applicant was personally known to her she stated that she would recuse herself from consideration of the item, having regard to the objective test in the Code of Conduct.

LB23. Minute

The minute of the meeting of the Licensing Board held on 16 September 2020 was approved.

LB24. Application for Provisional Grant of a Premises Licence

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 license for Scotmid, 66 Linlithgow Road, Bo'ness.

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

Photographs of the premises, which had been taken at a site visit were shared by the Licensing Standards Officer. The Board heard from the LSO in relation to the photographs.

Decision

The Board granted the provisional premises license.

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

LB25. Application for Grant of a Premises Licence

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 for SLOPEmeister Brewing Company Limited, Oak House, Airth Castle Estate, Airth.

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

Photographs of the premises, which had been taken at a site visit were shared by the Licensing Standards Officer. The Board heard from the LSO in relation to the photographs.

Decision

The Board granted the premises licence and noted that the applicant gave the following undertakings:-

- 1. to operate an EPOS type till;**
- 2. that deliveries would only take place between 11am and 8.30pm, and**

3. to put in place a system of 3rd party checks in relation to Challenge 25.

LB26. Applications for Non Minor Variations of Premises Licences

The Board considered a report by the Clerk to 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 the premises licences, namely (1) Allandale Bowling Club; (2) Co-op, and (3) Camelon Juniors Social Club.

Allandale Bowling Club, Thorndale Gardens, Allandale

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

Photographs of the premises, which had been taken at a site visit were shared by the Licensing Standards Officer. The Board heard from the LSO in relation to the photographs.

Decision

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

1. To increase the approved operating hours to Monday to Sunday 10am until 11pm

2. The removal of the following seasonal variation:

‘Summer months: due to the variations in dates, entry levels and duration of weekend tournaments, core times are as per the extensions previously granted in terms of the licensing (scotland) act 1976 this also encompasses occasional hall lets. (premises may not be open at all of these times).

Winter months: during the close season the club is used against a framework of occasional use. Ladies activities on an occasional tuesday. Carpet bowls - basically every second wednesday, dates vary.

Friday - club is open on a regular basis.

Saturday/sunday - a few club socials or an occasional hall let - no set dates.’

3. To change the premises description to remove reference to the pool room from:-

‘Premises consists of a clubhouse with bowling green. The clubhouse is a single storey detached building consisting of a main hall with bar, lounge/pool room, committee room, ladies and gents locker rooms, kitchen, store rooms, ladies, gents and disabled toilets.’

to:

‘Premises consists of a clubhouse with bowling green. The clubhouse is a single storey detached building consisting of a main hall with bar, lounge, committee room, ladies and gents locker rooms, kitchen, store rooms, ladies, gents and disabled toilets.’

4. The addition of the following to the list of approved activities within core operating hours:-

- conference facilities**
- bar meals**
- televised sport**

5. The addition of the following to the list of approved activities during and outwith core operating hours:-

- recorded music**
- outdoor drinking facilities**

6. Changes to access and times for children and young persons to:-

6e. All public parts of the premises including the outdoor area.

7. Amend the layout plan to show the outdoor drinking area.

Co-op, 50-70 Stirling Street, Denny, 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 variation to the current licence, namely to:-

1. Amend the wording in Section 5(f) any other activities to:-

‘The sale of food, non-food items and other household goods and the provision of ancillary consumer services within and outwith core hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and compliance with the relevant provisions of the Licensing (Scotland) Act 2005.’

2. To amend the wording in relation to any activity outwith core hours to:-

‘Recorded background music may be played within and outwith core hours.’

Camelon Juniors Social Club, Fairlie Drive, Camelon

Photographs of the premises, which had been taken at a site visit on 6 October 2020 were shared by Lindsay Fyfe, Licensing Standards Officer. The Board heard from the LSO in summary of the photographs which included parts/areas of the premises which were pertinent to the variation application.

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 to Monday to Sunday:-

**On Sales – 11am until midnight, and
Off Sales – 11am until 10pm.**

2. To remove club status under section 125 of the Act.

3. To change the description of the premises from:-

‘Camelon Juniors Social Club is a members' club and operates from a single storey building comprising function hall with bar servery, separate lounge/bar with bar servery, games room and all appropriate services including ladies and gents toilets, kitchens, offices, etc. The club premises are located immediately adjacent to a junior football stadium and are situated in a residential street in a residential area of Camelon.

Whilst the social club is an entirely separate organisation from Camelon Juniors Football Club who are the operators of the adjoining junior football stadium, the Social Club has historically operated in close co-operation with the football club on match days, specifically as a provider and a venue for match day hospitality to the officials and players of visiting junior football clubs and also as a provider of pre and post match facilities for visiting supporters and their families. The football stadium is also used from time to time as a venue for the staging of various other football matches and sporting events such as representative matches, amateur and youth football finals, football festivals, school sports and for events in connection with the

Camelon 'Mariners' Day' celebrations etc. As such, the social club is used as a venue for related hospitality and where necessary for additional changing accommodation.

In connection with its operation as a members' club, the club provides a lounge/bar and a function room both of which are used for members' functions such as dances, dinners, cabaret shows and the like. On occasion, the function room is used as a venue for family celebration events and by other users such as youth football clubs as a venue for fund raising events, dinners, dances, presentations, charity fund raising events and the like, all in accordance with appropriate Occasional Licences granted by Falkirk Council Licensing Board.'

to:

'Camelon Juniors Social Club is a licensed premises which operates from a single storey building. The premises comprises of a function hall with bar server, separate lounge/bar, games room, kitchen, offices and toilets. The premises are located immediately adjacent to Camelon Juniors Football club in the residential area of Fairlie Street, Camelon. The premises services the local community of Camelon with a valued recreational facility.

- 4. add bar meals to the list of activities within core operating hours.**
- 5. remove adult entertainment from the list of activities.**
- 6. amend the wording regarding Children & Young Persons access as follows:-**
 - 6b. Children and young persons permitted when accompanied by an adult for the purpose of attending in connection with a Junior football match being played at the adjoining Camelon Juniors Stadium and when attending a function.**
 - 6c. 0 to 17 years of age.**
 - 6d.**
 - 1. Children and young persons attending a junior football match being held in the afternoon from 11:00 until 18:00.**
 - 2. Children and young persons attending a junior football match being held in the evening from 17:00 until 22:00.**
 - 3. Children and young persons attending in connection with participation in a children's or youth football match or similar event from two hours before the start of the event until the end of two hours after the conclusion of the event.**

- 4. Children and young persons attending a function permitted until the terminal hour.**

6e. Foyer, entrance, toilets, baby changing and function hall.

- 7. To amend the layout plan to show disabled toilets and baby changing facilities and clarify children's access areas.**

- 8. Standard condition re CCTV to be added as a specific condition.**

The applicant's agent gave an undertaking to improve the disabled access.

The Board adjourned at 12.45pm and reconvened at 1.30pm with all members present with the exception of Provost Buchanan.

LB27. Occasional Licence Application – The Orchard Hotel, 2 Kerse Lane, Falkirk

The Board considered a report by the Clerk to the Licensing Board providing details of an application for the grant of an occasional licence for an outdoor drinking area at The Orchard Hotel, 2 Kerse Lane, Falkirk.

The Board agreed to hold a hearing for the purposes of determining the application, in terms of section 59(4) of the Licensing (Scotland) Act 2005.

The Board agreed that photographs of the proposed outdoor drinking area, provided by the Licensing Standards Officer, be shared with those attending the meeting.

Two objections were lodged against the grant of the application within the requisite objection period all of which were received by email on 20 October 2020 which was within the statutory timescale.

The objections were copied to the applicant on 21 October 2020.

One objector, Mr Lumsden was in attendance.

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

The applicant's agent confirmed that he had received copies of the objections and had no concerns to these being circulated to members. Accordingly, copies of the objections were circulated electronically to members. Part of the objection included video material which was played for all present.

The Board heard from Mr Lumsden in relation to his letter of objection and in response to a question from a member.

The applicant's agent was then heard in response to the issues raised in the objections and in clarification of questions raised by members. Details of the application were outlined by the applicant's agent.

The Board heard from the Licensing Standards Officer.

The Board then heard from the Senior Environmental Health Officer and the Environmental Health Officer in response to questions from members.

The Board then invited Mr Lumsden and the applicant's agent to sum up.

The Board adjourned at 2.50pm and reconvened at 3.30pm with all members present as per the sederunt with the exception of Provost Buchanan, Councillor Kerr and Councillor McLuckie.

Decision

The Board granted the application for an occasional licence from 27 October to 9 November 2020, and agreed to attach the following 5 conditions to the occasional licence, namely:-

- 1. The premises will only be operated where permitted by, and in accordance with, legislation, regulations and directions of the UK and Scottish Governments relative to the COVID-19 pandemic, whether relating to the protection of public health, restrictions of social gatherings, requirement for social distancing or otherwise, along with guidance from Falkirk Council's Environmental Health Section;**
- 2. No amplified entertainment or acoustic musical entertainment shall be played in or onto (from inside the premises) outdoor drinking areas. In addition management must monitor noise from customers in terms of rowdy behaviour in order to ensure the amenity of neighbouring properties is not adversely impacted. Signage should be displayed advising patrons to be mindful of neighbours. If justifiable complaints are received about noise then restrictions may be imposed on the occasional licence for the outside drinking areas;**
- 3. No vertical drinking will be permitted in the area to which the licence relates;**
- 4. The area to which the licence relates will not open prior to 10.00 a.m. and will close at 10.00 p.m, and**
- 5. The fire pit will not be operated until authorised by Environmental Health.**

LB28. New Personal Licence Application - Hearing

The Board was advised that the applicant was unable to attend the meeting due to other prior commitments.

Decision

The Board agreed to continue the application to a future meeting of the Board.

LB29. Statutory Functions Report 2019/20

The Board considered a report by the Clerk of the Licensing Board which sought approval of the Statutory Annual Functions Report 2019/20. Statutory Functions Report was provided as an appendix to the report and set out:-

- The Licensing Objectives
- Annual Functions Report
- Decisions of the Board 2019/20
- Licensing Board Training
- Licensing Forum
- Reviews
- Liquor Licensing Statistics 1 April 2019 to 31 March 2020
- List of Occasional Licences Granted 1 April 2019 to 31 March 2020
- Appendix 3 – Draft Minute of the joint meeting of the Board and the Forum 2 May 2019

Decision

The Board approved the Statutory Functions Report 2019/20.