

Agenda Item 4

Draft

FALKIRK COUNCIL

Minute of Meeting of the Licensing Board held remotely on Thursday 13 May 2021 at 10.00 a.m.

Councillors: David Balfour
Lorna Binnie
Robert Bissett (Chair)
Provost 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
Colin Moodie, Chief Governance Officer (Clerk)

Attending: Lindsay Fyfe, Licensing Standards Officer
Thomas Ross, Licensing Standards Officer
Sergeant Liam Livingstone, Police Scotland

LB7. 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.

LB8. Apologies

Apologies were received from Councillor Black.

LB9. Declarations of Interest

There were no declarations of interest.

LB10. Minute

The minute of the meeting of the Licensing Board held on 14 April 2021 was approved.

LB11. Applications for Non Minor Variation of a 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 variation to the premises licences, namely (1) David's Kitchen, 50 Dalderse Avenue, Falkirk; (2) Marks & Spencer Simply Food, Central Retail Park, Grahams Road, Falkirk; (3) Mexican Texmex, 222 Grahams Road, Falkirk, and (4) North Star, 28-30 Vicar Street, Falkirk.

David's Kitchen, 50 Dalderse Avenue, Falkirk

The Board heard from the applicant's agent, Mr Emslie, 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 add the addition of deliveries of groceries and alcohol to the list of other activities.

Provost Buchanan left the meeting.

Marks & Spencer Simply Food, Central Retail Park, Grahams Road, Falkirk

The Board heard from the applicant's agent Mr Grunert and the designated premiss manager, Mr Torley 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) to change the layout plan of the premises to show the removal of the customer café;**
- (2) to remove the on sales facility;**
- (3) to remove access for children and young persons for on sales;**

- (4) to remove restaurant facilities from list of approved activities;**
- (5) to amend the wording for activities taking place outwith core operating hours;**
- (6) to change layout plan resulting in an increase in the capacity of the alcohol display area; and**
- (7) to amend premises description from:**

Retail store and café located within retail park

to

Retail store located within retail park.

Mexican Texmex, 222 Grahams Road, Falkirk

The Board heard from the applicant, Mr Karki, 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) the addition of an off sales facility during the undernoted hours:**

Off Sales Proposed hours

Monday	11.00 until 22.00
Tuesday	11.00 until 22.00
Wednesday	11.00 until 22.00
Thursday	11.00 until 22.00
Friday	11.00 until 22.00
Saturday	11.00 until 22.00
Sunday	11.00 until 22.00

- (2) the addition of a food and alcohol delivery service to the list of other activities.**

North Star, 28-30 Vicar Street, Falkirk

The Board heard from the applicant 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) to increase the approved operating hours as follows:**

**On Sales
Sunday 11.00 until 24:00**

**Off Sales
Sunday 11.00 until 22.00**

- (2) to change the wording for seasonal variations from:**

The applicant will wish to take advantage of the Licensing Board's festive policy to accommodate demand for extended hours, subject to authorisation and grant by Falkirk Council Licensing Board to-

The premises may on occasion take up any policy which may extend trading hours imposed by the Board.”

- (3) the addition of the following to the list of activities within core operating hours:**

- **dance facilities**
- **theatre**
- **films**

- (4) the addition of the following to the list of activities outwith core operating hours:**

- **conference facilities**
- **televised sport**

- (5) to amend the wording for activities taking place outwith core operating hours;**

- (6) the following additions to the list of other activities:**

- **home deliveries of alcohol and food**
- **fund raising**
- **quiz nights**

- (7) to change the access and times for children and young persons as follows:**

Children (0 to 15 years) must be accompanied by an adult at all times.

Young Persons (16 and 17 years) are allowed on the premises unaccompanied by an adult for the purposes of consuming a meal.

Children are permitted on the premises from opening until 20:00.

Young persons are permitted on the premises from opening until 22:00

Children and Young People are permitted in all public areas excluding the bar area.

(8) amendments to the layout plan to show changes to the internal layout of the premises as follows:

- **removal of fixed seating**
- **seating area raised**

The Board adjourned at 11.05am and reconvened at 11.16 am with all members present as per the sederunt except Provost Buchanan and Councillor Kerr.

LB12. Premises Licence Review Application Bowhouse Mini Market

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 Bowhouse Mini Market, 2 Bowhouse Square, Grangemouth 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, and (c) attaching as an appendix to the report, the Licensing Standards Officer's report in terms of section 38(4) of the 2005 Act.

The premises licence holder, Mr Mirza, was represented by Mr Lawson (Solicitor).

Sergeant Livingston provided a summary to the Board on behalf of Police Scotland.

Mr Lawson had no questions of Sergeant Livingston

Sergeant Livingston answered questions from the Board.

Mr Lawson addressed the board.

The Board asked questions of Mr Lawson.

The LSO, addressed the Board and answered questions from the Board.

Mr Lawson replied to issues raised by the LSO.

Sergeant Livingston summed up.

Mr Lawson summed up.

The Board adjourned at 11.40am and reconvened at 12.10 pm with all members present as per the sederunt except Provost Buchanan and Councillor Kerr who had left the meeting at an earlier stage.

Decision

The Board agreed that:

- (a) in relation to the ground for review of Mr Mirza not being a fit and proper person to hold such a licence, the ground was not established and no further action would be taken, and**
- (b) in relation to breach of the mandatory condition, the Board found the ground was established and agreed to issue a written warning to Mr Mirza in that regard.**