

Agenda Item 4

Draft

FALKIRK COUNCIL

Minute of Meeting of the Licensing Board held remotely on Wednesday 9 March 2022 at 10.00 a.m.

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

Officers: Wendy Barber, Information Governance Manager
Alison Barr, Consumer Protection Manager
Jack Frawley, Team Leader – Committee Services
Colin Moodie, Chief Governance Officer (Clerk)

Also
Attending: Lindsay Fyfe, Licensing Standards Officer
Sergeant Liam Livingston, Police Scotland

LB69. 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 determined 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.

LB70. Valedictory

The Convener led the Board in paying tribute to Councillor Black who had recently stood down from the Board. The Board thanked Councillor Black for her many years of service.

LB71. Apologies

There were no apologies.

LB72. Declarations of Interest

There were no declarations of interest.

LB73. Minute

The minute of the meeting of the Licensing Board held on 9 February 2022 was approved.

LB74. Applications for Non Minor Variations to Premises Licences

The Board considered a report by the Clerk to the Licensing Board which provided details of applications made in terms of section 30 of the Licensing (Scotland) Act 2005 for non minor variations to the following premises licences, namely (1) Sainsbury's, Glasgow Road, Denny and (2) Sainsbury's, Kinnaird Village, Larbert.

(1) Sainsbury's, Glasgow Road, Denny

The Board heard from the applicant's agent, Mr Hassard, 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:-

- (1) The addition of live performances to the list of activities within and outwith core licensed hours;**
- (2) To amend the wording for further details for activities taking place outwith core operating hours;**
- (3) The following amendments to the list of any other activities:-**
 - The sale of alcohol, groceries and other non-food items which occurs from the premises includes fulfilment of remote orders by home delivery and/or "click and collect", subject to compliance with sections 119 & 120 of the Licensing (Scotland) Act 2005, as amended, or such law that may be in force from time to time.**
 - The reference to live performances above is purely to capture very occasional fundraising events where there may be a performance element such as carol singers during the festive season.**

- **Parts of the premises may be operated by third party concessions eg dry cleaner/shoe repair facilities.**
- **The premises may also, on occasion, be used to launch new products, have product sampling/ tasting events and host community and charity events or events in conjunction with third party partners.**

(4) To change the premises description from:-

‘Purpose built supermarket with car parking facilities situated in Glasgow Road, Denny.’

to:-

‘Sainsbury's Supermarket is a large format grocery and general retail store, on the corner of Glasgow Road and Cruickshank's Court, near the Denny Fire Station, and offering a wide range of products and services including groceries, alcohol, newsagent general retail (including clothing, home and electrical) and food to go.’.

(2) Sainsbury's, Kinnaird Village, Larbert

The Board heard from the applicant's agent, Mr Hassard, 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:-

- (1) The addition of live performances to the list of activities within and outwith core licensed hours;**
- (2) To amend the wording for further details for activities taking place outwith core operating hours;**
- (3) The following amendments to the list of any other activities:**

‘The sale of alcohol, groceries and other non-food items which occurs from the premises includes fulfilment of remote orders by home delivery and or “click and collect”, subject to compliance with sections 119 and 120 of the Licensing (Scotland) Act 2005 as amended, or such law that may be enforced from time to time. The reference to live performances above is purely to capture very occasional fundraising events where there may be a performance element such as carol singers during the Festive season. Parts of the premises may be operated by a third party concessions, eg

dry cleaners, shoe repair facilities. The premises may also, on occasion, be used to launch new products, have product sampling/tasting events and host community and charity events or events in conjunction with third party partners.'

(4) To change the description of the premises from:-

'A Sainsbury's "local" format store in a newly developed village setting. The property is a single level store. The store will be used for the sale of a mixed range of products and will include an in store bakery. Of sales facilities will be provided in the areas indicated on the layout plan. The area may include one or more chill cabinets. An ATM machine may be located instore and be accessed either internally or from the main street.

to:-

'Sainsbury's Supermarket is a large format grocery and general retail store offering a wide range of products and services including groceries, alcohol, newsagent, general retail (including clothing, home and electrical) and food to go.'

LB75. Applications for Non Minor Variations to Premises Licences

The Board considered a report by the Clerk to the Licensing Board which provided details of applications made in terms of section 30 of the Licensing (Scotland) Act 2005 for non minor variations to the following premises licences, namely (1) Grangemouth Rugby Football Club, Glensburgh Road, Grangemouth; (2) Bowhouse Hotel, Bowhouse Road, Grangemouth and (3) Carronvale Filling Station, Main Street, Larbert.

(1) Grangemouth Rugby Football Club, Glensburgh Road, Grangemouth

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

The Board adjourned at 11.25am and reconvened at 11.45am with all members present as per the sederunt.

Decision

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

- (1) The removal of s125 so the Club would no longer be a registered club as described in the Licensing (Scotland) Act 2005;**

- (2) To amend the description of the premises from:-**

‘The premises is a sports club in a single storey brick construction building comprising a main clubroom with seating, a lounge area with seating, a bar, kitchen, changing rooms, shower area, ladies and gents toilets. The premises exist as the home of Grangemouth Rugby Football Club, its main purpose is to provide changing facilities for playing sport, hospitality for club members and visiting teams and the occasional external function.’.

to:-

‘The premises are located on the grounds of Grangemouth Rugby Football Club in a single level brick construction building comprising of the licensed area and additional changing and supporting facilities for the club.’.

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

On Sales:-

**Monday to Thursday
1100 hrs to 2300 hrs**

**Saturday
1100 hrs to 0100hrs**

**Sunday
1200 hrs to 2300hrs**

Off Sales:-

**Monday to Sunday
1100 hrs to 2200 hrs**

- (4) The addition of the following seasonal variation:-**

The premises would take advantage of any general extension issued by Falkirk Licensing Board particularly in relation to the festive period but in addition any other general extensions issued or determined by Falkirk licensing board either in terms of its Statement of Licensing Policy or as a separate grant of general extension;

- (5) The addition of gaming to the list of activities within core operating hours;**

(6) The addition of the following to the list of activities within and outwith core operating hours:-

- live performances
- theatre
- outdoor drinking

(7) The addition of recorded music to the list of activities outwith core operating hours;

(8) To amend the explanation for activities taking place outwith core operating hours and to add other activities as follows:-

“The premises may offer takeaway of alcohol and non-alcoholic beverages. This would be for collection but this would be ancillary to the general operation of the premises. The premises will have other activities including but not limited to: local events; charitable events; community and fundraising events; food and product launches and tastings; functions for families, adults and children; functions and events supporting the local community and community groups; rugby and sports competitions and matches.”.

(9) Change to access and times for children and young persons as follows:-

Children and young persons will be allowed entry to the premises where:-

- They are members of the rugby club or visiting teams and using the premises for sporting purposes.
- The child or young person has been brought to the premises by an adult to watch a rugby match.
- The child or young person is attending the premises for the purposes of taking a meal and are accompanied by an adult.
- The child or young person is attending a function and is accompanied by an adult.
- Children and young persons who are not members of the club or are unaccompanied by an adult will be denied entry.
- Children and young persons aged 0-17 will be allowed entry. Terms Paragraphs 1 to 3 - until 22:00. Terms Paragraph 4 -for the duration of the function.
- All public parts of the premises.

(2) Bowhouse Hotel, Bowhouse Road, Grangemouth

Two objections had been lodged against the grant of the application. One of the objectors to the application, Mr Mirza was in attendance.

The applicant's agent, Mr Emslie, advised that he had no preliminary matters concerning the validity of the objections. Accordingly, copies of the objections were circulated to the Board.

Mr Mirza was heard in amplification of the matters raised in his letter of objection.

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 adjourned at 12.20pm and reconvened at 12.40pm with all members present as per the sederunt.

Decision

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

- (1) The removal of the on sales facility and children and young persons access;**
- (2) To increase the current approved off sale operating hours as follows:-**

**Monday to Sunday
1000hrs to 2200 hrs**

- (3) To remove all current activities from the list of approved activities except recorded music within and outwith core operating hours;**
- (4) To amend the details of activities taking place outwith core operating hours;**
- (5) To remove the current details of any other activities and to replace them with the following:-**
 - Food to go**
 - Lottery terminal**
 - Pay point**
 - Parcel collection service**
 - Home delivery of food and alcohol**
- (6) To amend the layout plan to reflect the changes;**

(7) To change the premises description from:-

‘The premises currently comprises of a bar and a lounge on the ground floor with nine letting bedrooms on the upper floor. There are no car parking facilities with the premises which operate as a local pub.’

to:-

‘The premises comprises of a single-story retail unit which is attached to a larger building on Bowhouse Road, Grangemouth. The premises will operate as a local convenience store.

(8) To add the off sales capacity to the Operating Plan of 3.7 m³ inaccessible, 16.61 m³ accessible, totalling 20.31m³.

The board adjourned at 12.45pm and reconvened at 1.30pm with all members present as per the sederunt with the exception of Provost Buchanan.

(3) Carronvale Filling Station, Main Street, Larbert

The Board heard from Mr Hunter, 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 change to the layout of the alcohol display area resulting in an increased capacity from 3.03m³ to 5.33m³ and a change to the layout plan.

LB76. Notification of Conviction of a Personal Licence Holder

The Board considered a report by the Clerk of the Licensing Board which sought consideration of a Notification of Conviction submitted for Personal Licence holder, Andrew Simpson by Police Scotland.

A notice had been submitted by the Chief Constable in terms of Section 83(4)(b) of the Licensing (Scotland) Act 2005 which advised that Andrew Simpson, a personal licence holder, had been convicted of a relevant offence.

As the Chief Constable had made no recommendation the Board required whether to hold a hearing or take no further action in relation to the conviction.

The Board agreed to hold a hearing in relation to the personal licence.

The Board heard from Sergeant Livingstone, Police Scotland and in clarification of questions raised by members.

The Board heard from the licence holder's agent, Mr Hassard, and in clarification of questions raised by members.

Both parties summed up.

The Board adjourned at 2pm and reconvened at 2.20pm with all members present as per the sederunt with the exception of Provost Buchanan.

Councillor Coleman proposed that the Board agrees that it is necessary on the grounds of the Licensing Objective of preventing crime & disorder, to make an order endorsing the personal licence.

Councillor Kerr proposed that the Board take no further action.

The vote was taken by roll call, there being 8 members present with voting as undernoted:-

For endorsement (5) – Councillors Balfour, Binnie, Coleman, Patrick, and Depute Provost Ritchie.

For no further action (3) – Councillors Bissett, Kerr and McLuckie.

Decision

The Board agreed that it was necessary on the grounds of the Licensing Objective of preventing crime & disorder, to make an order endorsing the personal licence.

LB77. Premises Licence Review Star Inn, 150 Grahams Road, Falkirk

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 Star Inn, 150 Grahams Road, Falkirk 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 Designated Premises Manager, Ms Redding, was in attendance and confirmed that she had no preliminary matters to raise.

Sergeant Livingstone was heard in amplification of the matters set out in the Chief Constable's premises licence review application.

Questions were asked by members of the Board.

The Board then heard from Ms Redding in relation to the premises licence review application.

Questions were asked by members of the Board.

Both parties summed up.

The Board adjourned at 3pm and reconvened at 3.15pm with all members present with the exceptions of Provost Buchanan and Depute Provost Ritchie.

Councillor Coleman proposed that the Board considered it necessary on the grounds of the Licensing Objective of protecting public safety to issue a written warning. It further found that it was not necessary to review Ms Redding's personal licence in terms of s84.

Councillor Kerr proposed that the Board take no further action.

The vote was taken by roll call, there being 7 members present with voting as undernoted:-

For a written warning (4) – Councillors Balfour, Binnie, Coleman and Patrick.

For no further action (3) – Councillors Bissett, Kerr and McLuckie.

Decision

The Board considered it necessary on the grounds of the Licensing Objective of protecting public safety to issue a written warning. It further found that it was not necessary to review Ms Redding's personal licence in terms of s84.

LB78. The Queen's Platinum Jubilee

The Board considered a report by the Clerk to the Licensing Board which invited the Board to decide whether to grant a blanket one-hour extension for on sales premises to celebrate the Queen's Platinum Jubilee and on which date(s) the Board would apply any extension to.

The May bank holiday had been moved to Thursday 2 June and an extra bank holiday had been added for Friday 3 June to celebrate the Queen's Platinum Jubilee. The Board was enabled, if it considered it appropriate to do so in connection with a special event of local or national significance, to make a determination extending hours by such period as specified in the

determination. The extension of hours may apply to the whole of the Board's area or only to specified parts of it, licensed hours generally or only to specified descriptions of premises, and all licensed premises in the Board's area or only to specific descriptions of such premises.

Premises trading after 1am must comply with the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007. It was anticipated that applications may be made for the Jubilee event, and some may seek hours that were outwith the Board's policy on general trading hours. In normal circumstances, these applications would be considered on an individual basis by the Board however, due to the local authority elections in May, the Licensing Board's last meeting was on 6 April and the new Board would not meet until after the Jubilee celebrations.

Decision

The Board agreed a general one hour extension for on sales premises on Wednesday 1 June and Thursday 2 June 2022 to 1am.