

FALKIRK COUNCIL

MINUTE of the ADJOURNED MEETING of the LICENSING BOARD held in the DISTRICT COURT ROOM, FALKIRK on MONDAY 12 FEBRUARY 2007 at 1.30 PM.

PRESENT: Depute Provost Wilson; Councillors Kenna, McCafferty, McNally, Miller, Nicol, Reid and Williamson.

CONVENER: Councillor Nicol

APOLOGIES: Councillors J Constable, Rev. Jenkinson, Pollock and Spears.

ATTENDING: Clerk; Solicitor (P Gilmour); Consumer Protection Manager; Senior Licensing Assistant (L McGarva); and Committee Services Officer (B Douglas).

ALSO

ATTENDING: Station Officer Ticehurst and Sub Officer Boulstridge, Central Scotland Fire and Rescue Service and PC Willox, Central Scotland Police.

SECTION A

OPENING REMARKS

The Chairman intimated that the agenda would be varied with item 1.2, namely South Broomage Avenue, being considered at the end of Section 4.

1. DISABILITY EQUALITY SCHEME

There was submitted Report (circulated) by the Clerk presenting a draft Disability Equality Scheme.

AGREED to defer consideration of the Disability Equality Scheme to the Quarterly meeting of the Licensing Board in March to enable Members of the Board and officials to meet with representatives of Falkirk and District Access and Assessment Group with a view to incorporating their comments into the Scheme.

SECTION B

UNDER THE GAMING ACT 1968 AND THE BETTING GAMING AND LOTTERIES ACT 1968

1. Applications for the Grant of Betting Office Licences

Item 1.1 High Station Road No.84, Falkirk

Mrs Lang, the applicant's agent was heard in support of her client's application.

Following questions put to the applicant's agent by Members, the Board adjourned for a short period.

On reconvening the Board **AGREED** that consideration of the matter be continued to the Adjourned Board to enable a report from the Council's Roads Officials in respect of parking issues to be prepared.

**UNDER THE LICENSING (SCOTLAND) ACT 1976 (AS AMENDED) AND
THE LAW REFORM (MISCELLANEOUS PROVISION) (SCOTLAND) ACT
1990**

2. Applications for the Renewal of Existing Licences

The Board **GRANTED** the applications for the renewal of existing licences as detailed in paragraph (a) and reached the decisions shown on those items detailed in paragraph (b) below:-

(a)

Item 2.2 The Creamery Sports Bar, The Old Creamery, Main Street, Bainsford

Item 2.3 Avongrange Arms Hotel, Kersiebank Avenue, Grangemouth

Item 2.5 Red Lion Hotel, 2 Stirling Road, Larbert

Item 2.8 Hillcrest Store, 26 Hillcrest, Bo'ness

Item 2.9 JSKS Licensed Grocers, 48 Grahams Road, Falkirk

Item 2.14 Champany Inn, Linlithgow

Item 2.17 Yang Sing, 43 Union Road, Camelon

Item 2.18 Sanam Tandoori, 5 Callendar Road, Falkirk

(b)

Item 2.1 Callendar House, Callendar Park, Falkirk

Having heard the applicant's representative Ms Mitchell explain the circumstances of the late application, the Board **AGREED** to continue the matter to the Adjourned Meeting of the Licensing Board.

Item 2.4 Oxbang House Hotel, Oxbang Road, Grangemouth

Station Officer Ticehurst advised that Central Scotland Fire and Rescue Service had received no confirmation that the requested works had been carried out.

AGREED to continue the matter to the Adjourned Meeting of the Licensing Board.

Item 2.6 Royal Hotel, 30/32 High Street, Bonnybridge

The applicant Ms Peat confirmed that only minor works remained outstanding and these would be carried out in the next 2 weeks.

AGREED to continue the matter to the Adjourned Meeting of the Licensing Board.
Item 2.7 Grangepans Post Office, 14 Grangepans, Bo'ness

In view of the absence of a training certificate, the Board **AGREED** to continue the matter to the Adjourned Meeting of the Licensing Board.

Item 2.10 Loanhead Avenue, No. 2 Grangemouth

AGREED to continue the matter to the Adjourned Meeting of the Licensing Board.

Item 2.11 Mariner Street, No.50, Camelon

Having heard the applicant's agent Mr Travers give an undertaking that his client would not trade in the sale of alcohol until the proposed transfer of licence was complete, the Board **AGREED** to **GRANT** the application.

Item 2.12 Redding Mini Market, Redding Road, Redding

AGREED to continue this matter to the Adjourned Meeting of the Licensing Board.

Item 2.13 The Foodstore, Ladeside Crescent, Stenhousemuir

AGREED to continue this matter to the Adjourned Meeting of the Licensing Board.

Item 2.15 Grubowski's Tavern, 54 Bellsdyke Road, Larbert

In view of the absence of the applicant, **AGREED** to continue this matter to the Adjourned Meeting of the Licensing Board.

Item 2.16 Mahratta and Galley Bar, 173/175 Bo'ness Road, Grangemouth

Having heard Ms Mariner, the applicant, explain the circumstances of the late application, the Board **AGREED** to continue the matter to the Adjourned Meeting of the Licensing Board.

Item 2.18 Sanam Tandoori, 5 Callendar Road, Falkirk

In view of the absence of a training certificate, the Board **AGREED** to continue the matter to the Adjourned Meeting of the Licensing Board.

Councillor Miller left the meeting following consideration of Items in section 2 above.

3. Applications for New Children's Certificates

Item 3.1 Leapark Hotel, 130 Bo'ness Road, Grangemouth

The Board **GRANTED** this application.

Item 3.2 Anchor Tavern. 54 North Street, Bo'ness

The Clerk advised that this application had been withdrawn

NOTED.

Item 3.3 Black Bull Inn, Main Street, Polmont

Having heard the applicant's agent give an undertaking that the outstanding works would be carried out, the Board **AGREED** to GRANT this application.

Item 3.4 Union Inn, Lock 16, 2 Portdownie, Camelon.

The Board **GRANTED** this application.

4. Applications for Regular Extension of Permitted Hours

The Board **GRANTED** the applications for the regular extension of permitted hours as detailed in paragraph (a) and reached the decisions shown on those items detailed in paragraph (b) below:-

(a)

Item 4.2 189 Bar, Airth Community Hall, Main Street, Airth

Item 4.3 Canal Inn, Canal Street, Camelon

Item 4.7 Horsemill Inn, Woodyett Farm, Falkirk Road, Denny

Item 4.8 The Tavern, Kilsyth Road, Haggs

Item 4.9 Yang Sing, 43 Union Road, Camelon

Item 4.10 Blackness Boat Club, The Clubhouse, Blackness

Item 4.11 Carron and Carronshore Bowling Club, 25 Beaumont Drive, Carron

(b)

Item 4.1 Oxbang House Hotel, Oxbang Road, Grangemouth

The Board **AGREED** to continue consideration of the matter to the Adjourned Meeting of the Licensing Board.

Item 4.4 Cheyne's Bar, 29 Main Street, Bainsford

The Clerk advised that the application had not been properly notified to the Chief Constable.

AGREED that the matter be continued to the Adjourned Meeting of the Licensing Board.

Item 4.5 Crown Bar, 10/12 Grange Park, Bo'ness

The Clerk advised that the application had not been properly notified to the Chief Constable.

AGREED that the matter be continued to the Adjourned Meeting of the Licensing Board.

Item 4.6 Grubowski's Tavern, 54 Bellsdyke Road, Larbert

AGREED that the matter be continued to the Adjourned Meeting of the Licensing Board.

The Clerk advised that item 2.2 South Broomage Avenue should now be considered.

Item 2.2 South Broomage Avenue No. 1, Larbert

The Clerk confirmed that a number of late objections had been received since the last meeting of the Board.

Mr Baillie, the applicant's agent advised that the letters of objection were not submitted within the time required.

Councillor Nicol asked that the objectors address the Board and explain the reasons for the lateness of their objections.

Mr Dawson, an objector, explained the reasons for the lateness of his objection.

Councillor Nicol, seconded by Depute Provost Wilson, moved that the objection be not heard.

By way of an amendment, Councillor Kenna, seconded by Councillor McNally moved that the letter of objection be heard.

On a division, 3 Members voted for the Motion and 3 for the Amendment.

The Motion was carried on the casting vote of the Chairman.

Accordingly, **AGREED** that the letter of objection be not heard.

Councillor Nicol advised that as a result of a Councillor having to conduct urgent business elsewhere, the meeting would be rendered inquorate. He explained that there would be an adjournment of one hour to enable the Councillor to return to the meeting.

The Board adjourned at 3.40 pm and was reconvened at 4.40 pm.

On reconvening, Councillor Nicol invited the remaining objectors to address the Board in relation to the late submissions of their objections.

Mr Logan explained the reasons for the lateness of his objection.

Councillor Nicol, seconded by Depute Provost Wilson, moved that the objection be not heard.

By way of an amendment, Councillor Kenna, seconded by Councillor McNally moved that the letter of objection be heard.

On a division, 3 Members voted for the Motion and 3 for the Amendment.

The Motion was carried on the casting vote of the Chairman.

Accordingly, **AGREED** that the letter of objection be not heard.

Mrs Turpie explained the reasons for the lateness of her objection.

Councillor Nicol, seconded by Depute Provost Wilson, moved that the objection be not heard.

By way of an amendment, Councillor Kenna, seconded by Councillor McNally moved that the letter of objection be heard.

On a division, 3 Members voted for the Motion and 3 for the Amendment.

The Motion was carried on the casting vote of the Chairman.

Accordingly, **AGREED** that the letter of objection be not heard.

Rev. Boswell explained the reasons for the lateness of his objection.

Councillor Nicol, seconded by Depute Provost Wilson, moved that the objection be not heard.

By way of an amendment, Councillor Kenna, seconded by Councillor McNally moved that the letter of objection be heard.

On a division, 3 Members voted for the Motion and 3 for the Amendment.

The Motion was carried on the casting vote of the Chairman.

Accordingly, **AGREED** that the letter of objection be not heard.

Mr Howarth explained the reasons for his late objection.

Councillor Nicol, seconded by Depute Provost Wilson, moved that the objection be not heard.

By way of an amendment, Councillor Kenna, seconded by Councillor McNally moved that the letter of objection be heard.

On a division, 3 Members voted for the Motion and 3 for the Amendment.

The Motion was carried on the casting vote of the Chairman.

Accordingly, **AGREED** that the letter of objection be not heard.

Mrs Rennie explained the reasons for her late objection.

Councillor Nicol, seconded by Depute Provost Wilson, moved that the objection be not heard.

By way of an amendment, Councillor Kenna, seconded by Councillor McNally moved that the letter of objection be heard.

On a division, 3 Members voted for the Motion and 3 for the Amendment.

The Motion was carried on the casting vote of the Chairman.

Accordingly, **AGREED** that the letter of objection be not heard.

Mrs Smith explained the reasons for her late objection.

Councillor Nicol, seconded by Depute Provost Wilson, moved that the objection be not heard.

By way of an amendment, Councillor Kenna, seconded by Councillor McNally moved that the letter of objection be heard.

On a division, 3 Members voted for the Motion and 3 for the Amendment.

The Motion was carried on the casting vote of the Chairman.

Accordingly, **AGREED** that the letter of objection be not heard.

In response to a question from Councillor Nicol, the Clerk advised that at the previous meeting of the Licensing Board Members heard from the applicant and the five competent objectors on matters of demand for betting facilities and location of the premises, transport and parking, the presence of an ATM, noise and privacy and then decided to acquaint themselves with the locality by means of a site visit. She confirmed that the Board did consider the matter in some detail at the last Board meeting.

Questions were then asked of the applicant's agent by Members.

The Board **AGREED** that the application be refused on the grounds referred to in Section 19(b) of the Betting Gaming and Lotteries Act 1963, namely that the location of the premises was unsuitable. The Board did not consider that level of demand justified refusal.

5. Applications for the Grant, including the provisional Grant of a New Licence

Item 5.1 Melville Street No. 4/6, Falkirk

The applicant's agent was heard in support of her client's application.

The Board **AGREED** to grant the application and allowed affirmation and finalisation to be dealt with under delegated powers.