

FALKIRK COUNCIL

MINUTE of QUARTERLY MEETING of the LICENSING BOARD held in the DISTRICT COURT ROOM, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 20 JUNE 2007 at 10.00 am.

PRESENT: Provost Reid; Depute Provost Black; Councillors Hughes, Kenna, McLuckie, McNally, Nimmo, Thomson and Waddell.

CHAIRMAN: Councillor Nicol

ATTENDING: Clerk; Head of Environmental and Regulatory Services; Building Standards Manager; Senior Licensing Assistant (L McGarva) and Committee Services Officer (B Douglas).

ALSO ATTENDING: Superintendent Samson, PC Simpson and PC Bridges, Central Scotland Police and Station Manager Ticehurst, Central Scotland Fire and Rescue Service.

SECTION A

1. APPOINTMENT OF CONVENER

In terms of Section 6 of the Licensing (Scotland) Act 1976, the Licensing Board was required to elect a convener.

Provost Reid moved, Councillor Kenna seconded and the Board unanimously **AGREED** that Councillor Nicol be elected as Convener of Falkirk Council Licensing Board.

Councillor Nicol accepted the nomination and took the Chair.

OPENING REMARKS

Councillor Nicol paid tribute to the late Lord Ewing who had recently passed away and extended the Board's sympathy to his family.

2. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of the Adjourned Meeting of the Licensing Board held on 21 March 2007;
- (b) Minute of the Quarterly Meeting of the Licensing Board held on 21 March 2007; and
- (c) Minute of the Adjourned Meeting of the Licensing Board held on 16 April 2007.

3. GENDER EQUALITY SCHEME

There was submitted Report (circulated) dated 15 June 2007 by the Clerk advising of the new statutory responsibility placed upon the Board in respect of gender equality under the Sex Discrimination (Public Authorities) (Scotland) Act 2007 and explaining that, following appropriate consultation, a draft gender equality scheme will be presented to the Board for consideration at a future meeting of the Board.

AGREED:-

- (1) to note the duty placed upon the Board to prepare a Gender Equality Scheme under the Sex Discrimination (Public Authorities) (Scotland) Act 2007;
- (2) to note that Officers are currently preparing a Scheme; and
- (3) that the finalised scheme will be submitted to a future meeting of the Board.

4. BYELAWS AND POLICIES

There was submitted report (circulated) dated 14 June 2007 by the Clerk setting out for information, the complete list of byelaws and policies that regulate the liquor licensing regime in Falkirk.

AGREED to adopt the policies and byelaws as appended to the report.

SECTION B

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

1. **Applications for Gaming Machine Permits**

The Board **GRANTED** the applications for the Gaming Machine Permits as detailed below.

Item 1.1 Pennies (Upstairs) Forth Complex, Grangemouth Road, Falkirk

Item 1.2 Crown Hotel, 1 Denny Road, Falkirk

Item 1.3 Graeme Hotel, 40 Grahams Road, Falkirk

Item 1.4 Plough Hotel, 507 Main Street, Stenhousemuir

Item 1.5 West Beancross Farm, Beancross Road, Polmont

Item 1.6 Blackmill Inn, 193/195 Carronshore Road, Carron

Item 1.7 Bo'ness Motor Museum, Bridgeness Road, Bo'ness

Item 1.8 Cheyne's Bar, 29 Main Street, Bainsford

Item 1.9 Colonial Bar, 250 Grahams Road, Falkirk

Item 1.10 Copper Top, 2 Dorrator Road, Camelon

Item 1.11 Girsey Nicol's, 1/5 Corbiehall, Bo'ness

Item 1.12 Kincardine Way, Haughs of Airth, Falkirk

Item 1.13 The Stables, Mount Gerald, Stenhousemuir

Item 1.14 The Edge, 18 Grahams Road, Falkirk
Item 1.15 The Lane, 7/10 Wooer Street, Falkirk
Item 1.17 The Red Hoose, 1 Lairrox Terrace, Dunipace
Item 1.18 The Tavern, 5 La Porte Precinct, Grangemouth
Item 1.19 Union Inn, Lock 16, 2 Portdownie, Camelon

2. **Application for the Grant of a Betting Office Licence**

The Board **GRANTED** the application for a new betting office licence as detailed below:-

Item 2.1 Main Street, No. 2, Rumford

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

3. **Applications for the Renewal of Existing Licences**

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

(a)

Item 3.1 Part Ground Floor, 1st and Upper Floor Former ABC Cinema, 8/12 Princes Street, Falkirk
Item 3.2 Pennies (upstairs), Forth Complex, Grangemouth Road, Falkirk
Item 3.3 Alldays, Carronshore Road, Carron
Item 3.4 Costcutter, 301 Carron Road, Falkirk
Item 3.5 Day 2 Day, Unit A, Salmon Inn Road, Polmont
Item 3.6 Debenhams, Howgate Shopping Centre, Falkirk
Item 3.7 Gordon's Newsagents, 306 Main Street, Camelon
Item 3.8 Lidl Ltd, Carron Road, New Carron Village
Item 3.9 Maiden Park Post Office/Store, 1/3 Gilburn Place, Bo'ness
Item 3.10 Scottish Co-operative Superstore, Carron Road, Carron
Item 3.11 Springfield Service Station, Camelon Road, Falkirk
Item 3.12 Tesco Store, Retail Park, Grahams Road, Falkirk
Item 3.13 The Village Store and Post Office, Main Street, Skinflats
Item 3.14 VG Store, 10 Greenbank Court, Camelon
Item 3.16 Blackmill Inn, 193/195 Carronshore Road, Carron
Item 3.17 Bo'ness Motor Museum, Bridgeness Road, Bo'ness
Item 3.19 Girsey Nicol's, 1/5 Corbiehall, Bo'ness
Item 3.20 Glenskirlie House Restaurant, Kilsyth Road, Banknock
Item 3.21 Horsemill Inn, Woodyet Farm, Falkirk Road, Denny
Item 3.22 Part Ground Floor, Former ABC Cinema, 8/12 Princes Street, Falkirk
Item 3.23 Smith's Lounge and Bar, 23 Baxter's Wynd, Falkirk
Item 3.24 Wheelhouse Restaurant, Wester Carmuir, Falkirk

Item 3.25 Indian Harvest, 1 Union Street, Bainsford
Item 3.26 Teng Huang Palace, 51 Grahams Road, Falkirk

(b)

Item 3.15 Wholequarter Avenue, No.20, Redding

Having heard the applicant explain the reasons for the lateness of the application, the Board **AGREED** to continue the matter to the Adjourned Meeting of the Licensing Board.

Item 3.18 Carronshore Bar, Carronshore Road, Carron

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

4. **Applications for the Permanent Transfer of Licences**

The Board **GRANTED** the applications for the permanent transfer of licences detailed in paragraph (a) below and reached the decisions shown on those items detailed in paragraph (b) below.

(a)

Item 4.1 Inchyra Grange Hotel, Grange Road, Polmont
Item 4.2 California Post Office/Mini Market, 19 Princes Street, California
Item 4.3 Carronvale Service Station, 263 Main Street, Larbert
Item 4.4 Crossroads Filling Station, 90 Dean Road, Bo'ness
Item 4.5 Fleming Court, No.2/3 Denny
Item 4.6 Hallglen Newsagents, Unit 1, Garry Place, Hallglen
Item 4.7 Loanhead Avenue, No.2 Grangemouth
Item 4.8 M and A Newsagents, 25a Taymouth Road, Gilston Park, Polmont
Item 4.9 Main Street, No. 11 Polmont
Item 4.10 Mariner Street, No.50 Camelon
Item 4.11 Millfield Service Station, Main Street, Polmont
Item 4.12 PKS Stores, 1-3 Gateside Avenue, Bonnybridge
Item 4.14 Argylls, 1 Princes Street, Falkirk
Item 4.15 Blackmill Inn, 193/195 Carronshore Road, Carron
Item 4.16 Bridge Inn, 8/10 High Street, Bonnybridge
Item 4.17 Cheyne's Bar, 29 Main Street, Bainsford
Item 4.18 Cornhill Inn, 34 High Street, Bonnybridge
Item 4.20 The Lane, 7/10 Wooer Street, Falkirk
Item 4.21 Union Inn, Lock 16, 2 Portdownie, Camelon
Item 4.22 Victoria Bar, 75 Grahams Road, Falkirk

(b)

Item 4.13 Shop at Bog Road, Banknock

Mr Watt, the agent for the applicant confirmed he had no preliminary matters and that he did not object to the competency of the police objection.

Copies of the police letter of objection were then circulated to Members.

Superintendent Samson was heard in relation to the Chief Constable's letter of objection.

Questions were then asked of Superintendent Samson by Members.

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

Following questions to the applicant's agent, the applicant and the applicant's father by members, the Board adjourned for a short period.

On re-convening, both parties were invited to sum up.

The Board unanimously **AGREED** that the application for the permanent transfer of a licence be **REFUSED** on the grounds that the applicant is not a fit and proper person to be the holder of a licence in terms of Section 17(1) (a) of the Licensing (Scotland) Act 1976.

Item 4.19 Crown Bar, 10/12 Grangepans, Bo'ness

Having heard Station Manager Ticehurst advise that a fire risk assessment remained outstanding and that a fire alarm had still to be fitted, the Board **AGREED** to continue the matter to the Adjourned Meeting of the Licensing Board.

5. Applications for Confirmation of Transfer

The Board **GRANTED** the applications for confirmation of transfer as detailed below:-

Item 5.1 Bannatyne's Health Club, Unit 10, Central Retail Park, Falkirk

Item 5.2 Alldays, Carronshore Road, Carron

Item 5.3 Alldays, 23 Maggiewoods Loan, Falkirk

Item 5.4 Millfield Service Station, Main Street, Polmont

Item 5.5 Scotmid, 19 High Street, Bonnybridge

Item 5.6 Scottish Co-op, 38 King Street, Stenhousemuir

Item 5.7 Spar Store, 20/26 Central Avenue, Grangemouth

Item 5.8 Tesco Store, Talbot Street, Grangemouth

Item 5.9 Comma Bar Café, 14 Lint Riggs, Falkirk

Item 5.10 Frankie and Benny's, Unit 17, Central Retail Park, Falkirk

Item 5.11 Girsey Nicol's, 1/5 Corbiehall, Bo'ness

Item 5.12 The Pines, 5/6 Fleming Court, Denny

6. **Applications for Consent to Alterations**

The Board **AGREED** that consideration of the undernoted applications be continued to the Adjourned Meeting of the Licensing Board to allow an inspection of the premises by members.

Item 6.1 Martell Leisure, Burnbank Road, Bainsford

Item 6.2 Victoria Bar, 75 Grahams Road, Falkirk

7. **Application for Renewal of Children's Certificate**

The Board **AGREED** that consideration of the undernoted application be continued to the Adjourned Meeting of the Licensing Board to allow an inspection of the premises by members.

Item 7.1 Bo'ness Motor Museum, Bridgeness Road, Bo'ness

8. **Applications for New Children's Certificates**

The Board **AGREED** that consideration of the undernoted applications be continued to the Adjourned Meeting of the Licensing Board to allow an inspection of the premises by members.

Item 8.1 Hotel Cladhan, Kemper Avenue, Falkirk

Item 8.2 Park Lodge Hotel, Camelon Road, Camelon

Item 8.3 Amarillo, Top Deck, Falkirk Community Stadium

Item 8.4 Board Room and Hospitality Suites, Falkirk Community Stadium, West Stand

Item 8.5 Comma Bar Café, 14 Lint Riggs, Falkirk

Item 8.6 Ellwyn, 95 Newlands Road, Grangemouth

Item 8.7 Tropix Bar, 4 High Street, Falkirk

9. **Applications for Regular Extension of Permitted Hours**

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

(a)

Item 9.1 Bannatyne's Health Club, Unit 10, Central Retail Park, Falkirk

Item 9.2 Gala Club, 1, 2 and 3 Kerse Lane, Falkirk

Item 9.3 Martell Leisure, Burnbank Road, Bainsford

Item 9.4 Part Ground Floor, First and Upper Floor, Former ABC Cinema, 8/12 Princes Street, Falkirk

Item 9.5 Pennies (upstairs) Forth Complex, Grangemouth Road, Falkirk

Item 9.6 The Creamery Sports Bar, Main Street, Bainsford

Item 9.7 Uncle Sam's Pool Club, The Hedges, Camelon
 Item 9.8 Crown Hotel, 1 Denny Road, Dennyloanhead
 Item 9.9 Glenbervie House, Larbert
 Item 9.10 Keith Arms Inn, Higginsneuk, Bothkennar
 Item 9.11 Park Lodge Hotel, Camelon Road, Camelon
 Item 9.12 Powfoulis Manor Hotel, Bothkennar
 Item 9.13 Red Lion Hotel, 2 Stirling Road, Larbert
 Item 9.16 Amarillo, Top Deck, Falkirk Community Stadium, West Stand, Falkirk
 Item 9.17 Argylls, 1 Princes Street, Falkirk
 Item 9.18 Blackbull Inn, Main Street, Polmont
 Item 9.19 Blackmill Inn, 193/195 Carronshore Road, Carron
 Item 9.20 Bo'ness Motor Museum, Bridgeness Road, Bo'ness
 Item 9.22 Birrells Bar, 46 Redding Road, Redding
 Item 9.23 Camelon Labour Club, Nailer Road, Camelon
 Item 9.25 Clachan Bar, 15 Main Street, Shieldhill
 Item 9.27 Comma Bar Café, 14 Lint Riggs, Falkirk
 Item 9.29 Elphinstone Inn, High Street, Airth
 Item 9.30 Gilmours, 541 Main Street, Stenhousemuir
 Item 9.31 Girsey Nicol's, 1/5 Corbiehall, Bo'ness
 Item 9.32 Goose On Newmarket, Newmarket Street/Lint Riggs, Falkirk
 Item 9.33 Greyrigg Inn, Blackbrae, California
 Item 9.34 Kincardine Way, Haughs of Airth, Airth
 Item 9.35 Learigg Bar, 175 Dean Road, Bo'ness
 Item 9.36 Martyn's Restaurant, 61 Mary Street, Laurieston
 Item 9.37 New Ship Inn, 102 Newhouse Road, Grangemouth
 Item 9.38 Part Ground Floor, Former ABC Cinema, 8/12 Princes Street, Falkirk
 Item 9.39 Phoenix, Manuel Terrace, Whitecross
 Item 9.40 Quoit Bar, 63 Main Street, Redding
 Item 9.42 Smith's Lounge and Bar, 23 Baxter's Wynd, Falkirk
 Item 9.44 Tam Bain, 96 Mary Street, Laurieston
 Item 9.45 The Lane, 7/10 Wooer Street, Falkirk
 Item 9.46 The Outside Inn, Glenbervie Business Park, Bellsdyke Road, Larbert
 Item 9.47 The Rumford Arms, Maddiston Road, Rumford
 Item 9.48 The Scotia, 51 Manor Street, Falkirk
 Item 9.49 The Tavern, 5 La Porte Precinct, Grangemouth
 Item 9.50 The Visitor Centre, The Falkirk Wheel, Falkirk Interchange, Tamfourhill
 Item 9.52 Bonnybridge Golf Club, Larbert Road, Bonnybridge
 Item 9.53 Callendar Miners Welfare Society and Social Club, Glen Crescent, Glen Village
 Item 9.54 Camelon Labour Club, Nailer Road, Camelon
 Item 9.56 Dunipace Juniors Social Club, Westfield Park, Denny
 Item 9.57 Falkirk Bowling Club, Cochrane Street, Falkirk
 Item 9.58 Falkirk Tryst Golf Club, 86 Burnhead Road, Larbert
 Item 9.59 Glenbervie Golf Club, Stirling Road, Larbert
 Item 9.60 Grahamston Bowling Club, Bowling Green Lane, Grahams Road, Falkirk
 Item 9.61 Grangemouth Railway Club, Barrie Place, Grangemouth
 Item 9.62 Larbert Bowling Club, Pretoria Road, Larbert
 Item 9.63 Laurieston Bowling Club, Polmont Road, Laurieston

Item 9.64 North Broomage Social and Welfare Club, Grahamston Avenue, Larbert
Item 9.65 Redding and Westquarter Unity Club, Station Cottage, Redding Cross, Redding

(b)

Item 9.14 Royal Hotel, 30/32 High Street, Bonnybridge

The Chief Constable's representative advised that the police had been unable to undertake the appropriate checks as yet due to the lateness of the application being notified to the Chief Constable.

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

Item 9.15 Aitkens Bar, 69 Manor Street, Falkirk

Having heard from the applicant Mr Scott, the Board **AGREED** to **GRANT** hours within policy and the additional hours of 9.30 am to 11.00 am Monday to Saturday.

Item 9.21 Bo'ness Tavern, 2-6 Main Street, Bo'ness

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

Item 9.24 Cheyne's Bar, 29 Main Street, Bainsford

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

Item 9.26 Claremont Inn, Main Street, Polmont

The applicant's agent Mr Craster was heard in support of his client's application.

Questions were asked of the applicant's agent by members.

The Board **AGREED** that the application be **REFUSED** on the grounds that demand for the licence had not been justified.

The Board also **AGREED** to Mr Craster's request for a Section 64 (9) direction.

Item 9.28 Crown Bar, 10/12 Grangepans, Bo'ness

The Chief Constable's representative advised that the police had been unable to undertake the appropriate checks as yet due to the lateness of the application being notified to the Chief Constable.

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

Item 9.41 Roman Bar, 470 Main Street, Camelon

The Clerk advised that a letter of objection had been received.

Mrs Lang, the applicant's agent confirmed that she did not object to the competency of the police objection and further that she had no preliminary matters.

Copies of the letter of objection were then circulated to Members.

Superintendent Samson was heard in relation to the Chief Constable's letter of objection.

There being no questions put to Superintendent Samson, Mrs Lang was heard in support of her client's application. She confirmed that her client wished to vary the application and sought only hours within policy.

AGREED that the revised application for regular extension of permitted hours be **GRANTED**.

Item 9.43 Stables, Mount Gerald, Stenhousemuir

Having heard the Clerk confirm that a recent temporary transfer had resulted in the applicant not being the company "Spirit Managed Pubs" as detailed on the agenda, the Board **AGREED** to decline to consider the application.

Item 9.51 Wellington Bar, 6 Manor Street, Falkirk

The Board **AGREED** that consideration of the matter be continued to the Adjourned Meeting of the Licensing Board to allow an inspection of the premises by members.

Item 9.55 Douglas Lodge, Stewart Avenue, Bo'ness

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

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

Item 10.1 The Wheelhouse, Wester Carmuir, Falkirk

The Board **AGREED** to the applicant's agent's request that the matter be continued to the Adjourned Meeting of the Licensing Board.

Item 10.2 Vicar Street, No.43 Falkirk

Mr Batters, agent for the applicant confirmed that he did not object to the competency of the letter of objection and that he had no preliminary matters.

Copies of the letter of objection were then circulated to members.

Mr McIvor, the applicant's agent was heard in relation to his client's letter of objection.

Mr Batters was heard in support of his client's application.

Questions were then asked of Mr Batters by members of the Board.

Both parties were invited in turn to sum up.

AGREED that the application be **GRANTED**.

Item 10.3 Bombay Palace, 60b La Porte Precinct, Grangemouth

The applicant's agent Mr Batters was heard in support of his client's application. He advised that the application had been changed to a section 26 (2) application.

The Board **AGREED** to **GRANT** the licence allowing affirmation and finalisation to be dealt with by the Clerk under delegated powers.

Late application for the grant of a new licence

Item 10.4 7a High Street, Bonnybridge

Having heard the applicant's agent Mr Craster explained the reasons for the lateness of the application. The Board **AGREED** to continue the matter to the Adjourned Meeting of the Licensing Board.