

**FALKIRK COUNCIL**

**MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 20 MARCH 2013 at 9.30 A.M.**

**PRESENT:** Councillors Black, Buchanan, D Goldie, McLuckie, Nicol and Nimmo.

**CONVENER:** Councillor Nicol.

**ATTENDING:** Clerk; Consumer Protection Manager; Licensing Co-ordinator (R Watson); Senior Solicitor (F Kobiela) and Committee Services Officer (A Fraser).

**ALSO  
ATTENDING:** Licensing Standards Officers (D Frood and T Ross).

**LB103. APOLOGIES**

Apologies for absence were intimated on behalf of Councillors Hughes, Ritchie and Turner.

**LB104. DECLARATIONS OF INTEREST**

No declarations were made.

**LB105. MINUTE**

There was submitted and **APPROVED** Minute of Meeting of the Licensing Board held on 20 February 2013.

**LB106. SAINSBURY'S, KINNAIRD VILLAGE CENTRE, FALKIRK**

There was submitted Report (circulated) dated 22 February 2013 from 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 provisional premises licence.

Having heard from the applicant's agent in support of his client's application and in clarification of questions raised by Members, the Board **GRANTED** the application for a provisional premises licence.

**LB107. BRIDGE 49 CAFÉ BAR, CAUSEWAYEND, LINLITHGOW**

There was submitted Report (circulated) dated 22 February 2013 from 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 provisional premises licence.

Having heard from the applicant's agent in support of her client's application and in clarification of questions raised by Members, the Board **GRANTED** the application for a provisional premises licence.

The Board noted the clarification and modification to question 8 of the Operating Plan to reflect the following:

The proposed capacity of the premises will be a maximum of 75 persons.

The agent gave an undertaking to submit a copy of a more comprehensive statement on how the Licensing Objectives would be addressed, once construction is complete.

**LB108. PENNIES (UPSTAIRS), FORTH COMPLEX, GRANGEMOUTH ROAD, FALKIRK**

With reference to Minute of Meeting of the Licensing Board held on 23 January 2013 (Paragraph LB92 refers), there was submitted Report (circulated) dated 5 March 2013 from the Clerk to the Licensing Board (a) providing details of an application made in terms of section 29 of the Licensing (Scotland) Act 2005 for the grant of a variation to the premises licence; (b) advising that the application was part heard on 23 January 2013 and continued to allow an inspection of the premises to be carried out by Members of the Board, and (c) confirming that Members of the Board had made site inspections of the premises on 6 February and 12 March 2013.

The applicant's agent agreed to the application being heard as new, due to the difference in member composition of the Licensing Board to that of the meeting on 23 January.

Having heard from the applicant's agent in support of her client's application and in clarification of questions raised by Members, the Board **GRANTED** the following variations to the current licence, subject to the amendments made by the applicant being reflected in the operating plan submitted with the application:-

(1) to allow children and young persons access to the premises as follows:

- children and young persons will only be allowed access if accompanied and supervised by a responsible adult
- children aged 10-15 years will be allowed access for the purposes of attending a bona fide darts or pool tournament, a bona fide darts or pool training session organised and supervised by a bona fide trainer and/or attending a bona fide function
- children aged 10-15 years will be allowed entry until 2200 hrs for the purposes of attending a bona fide darts or pool tournament or attending a bona fide darts or pool training session organised and supervised by a bona fide trainer
- children aged 10-15 years will be allowed entry until the terminal hour for the purposes of attending a bona fide function
- young persons aged 16 & 17 years will be allowed entry until the terminal hour
- children 10-15 years and young persons will be allowed access to the whole premises

(2) to amend the current on-sales trading hours of the premises on Sundays to:

1100 hrs to 2400 hrs

(3) to add to the list of activities as follows:

- receptions, including weddings, funerals, birthdays, retirements etc. outwith core licensed hours
- club or other group meetings outwith core licensed hours
- recorded music outwith core licensed hours
- live performances outwith core licensed hours
- dance facilities outwith core licensed hours
- indoor/outdoor sports outwith core licensed hours, and
- televised sport outwith core licensed hours

**LB109. PENNIES (DOWNSTAIRS), FORTH COMPLEX, GRANGEMOUTH ROAD, FALKIRK**

With reference to Minute of Meeting of the Licensing Board held on 23 January 2013 (Paragraph LB92 refers), there was submitted Report (circulated) dated 5 March 2013 from the Clerk to the Licensing Board (a) providing details of an application made in terms of section 29 of the Licensing (Scotland) Act 2005 for the grant of a variation to the premises licence; (b) advising that the application was part heard on 23 January 2013 and continued to allow an inspection of the premises to be carried out by Members of the Board, and (c) confirming that Members of the Board had made site inspections of the premises on 6 February and 12 March 2013.

The applicant's agent agreed to the application being heard as new, due to the difference in member composition of the Licensing Board to that of the meeting on 23 January.

Having heard from the applicant's agent in support of her client's application and in clarification of questions raised by Members, the Board **GRANTED** the following variations to the current licence, subject to the amendments made by the applicant being reflected in the operating plan submitted with the application:-

(1) to allow children and young persons access to the premises as follows:

- children and young persons will only be allowed access if accompanied and supervised by a responsible adult
- children aged 10-15 years will be allowed access for the purposes of attending a bona fide darts or pool tournament, a bona fide darts or pool training session organised and supervised by a bona fide trainer
- children aged 10-15 years and young persons will be allowed entry until 2200 hrs
- children 10-15 years and young persons will be allowed access to the whole premises

(2) to amend the current on-sales trading hours of the premises on Sundays to:

1100 hrs to 2400 hrs

(3) to add to the list of activities as follows:

- receptions, including weddings, funerals, birthdays, retirements etc outwith core licensed hours
- club or other group meetings outwith core licensed hours

- recorded music outwith core licensed hours
- live performances outwith core licensed hours
- dance facilities outwith core licensed hours
- indoor/outdoor sports outwith core licensed hours, and
- televised sport outwith core licensed hours

**LB110. MAHRATTA, 173-175 BO'NESS ROAD, GRANGEMOUTH**

There was submitted Report (circulated) dated 25 January 2013 from the Clerk to the Licensing Board providing details of an application made in terms of section 29 of the Licensing (Scotland) Act 2005 for the grant of a variation to the premises licence.

Mr McGowan, agent for the applicants, was in attendance with the tenants of the premises, Mr and Mrs Horn.

The Board **NOTED** that an objection had been received in respect of the variation application and that the objector, Mr Colley was in attendance.

There being no preliminary matters, copies of the objection were circulated to Members.

Mr Colley, objector, was heard in support of his objection and in clarification of questions raised by Members.

Mr McGowan, agent, was then heard in support of his clients' application and in clarification of questions raised by Members.

After discussion, the Board, having taken a pragmatic approach in dealing with the variation application, at the request of the agent, **GRANTED** the following parts of the application to vary the current licence, namely:-

(1) to vary children and young persons' access to the premises as follows:

- children and young persons will be allowed entry from opening time of the premises until 2100 hrs unless they are taking a table meal or attending a private function when they will be permitted to remain until the end of the meal or function,
- they will be permitted access to all parts of the premises to which the public have access as indicated on the layout plan. However, children and young persons will have restricted access to the public bar and will only be permitted to use the small fixed seating area whilst awaiting a table in the restaurant;

(2) to amend the on and off sales trading hours as follows:

**On Sales**

Sunday to Thursday  
1000 hrs to 2400 hrs

Friday and Saturday  
1000 hrs to 0100 hrs

**Off Sales**

Sunday to Saturday

1000 hrs to 2200 hrs

- (3) to amend the layout of the premises as follows and as detailed on the proposed layout plan submitted with the application –
  - an extension to the bar serverly in the function room and reconfiguration of female toilet access
  - removal of the raised floor to lounge bar
  - reconfiguration of the bar counters
  - additional fixed seating throughout
  - subdivision of the cellar to create a chair store
- (4) to permit the premises to open from 0900 hrs Monday to Saturday and 1000 hrs on Sundays to enable functions, meetings, breakfasts, hot drinks, soft drinks and snacks to be served. During this time the activities and/or services indicated in the operating plan may be provided;
- (5) to permit restaurant facilities, bar meals, club or other group meetings, live performances, dance facilities, televised sports and existing outdoor drinking facilities outwith core hours;
- (6) to permit theatre, films and indoor and outdoor sports both within and outwith core hours;
- (7) to add the following activities to the list of approved activities –  
karaoke, charity events and race nights, and
- (8) to amend the public holiday and festive hours permission so that the premises can benefit from any additional hours available in terms of the Licensing Board approved policy. This relates to the Seasonal Variation.

However, the Board, in considering the specific concerns made by the objector, **AGREED** to **CONTINUE** the following parts of the variation application to a future meeting of the Licensing Board to allow an inspection of the premises to be carried out by Licensing Board Members, namely:-

- to amend the layout of the premises as follows and as detailed on the proposed layout plan submitted with the application –
  - the addition of a vestibule to the function room to create an improved entrance
  - reconfiguration of the existing function room entrance doors, and
  - creation of a new outdoor drinking facility adjacent to the function room

#### **LB111. BRIGHTONS INN, MADDISTON ROAD, FALKIRK**

There was submitted Report (circulated) dated 25 January 2013 from the Clerk to the Licensing Board providing details of an application made in terms of section 29 of the Licensing (Scotland) Act 2005 for the grant of a variation to the premises licence.

Having heard from the applicant's agent in support of his client's application and in clarification of questions raised by Members, the Board **GRANTED** the following variations to the current licence:-

- (1) to allow children and young persons access to the premises as follows:

- children and young persons, whilst accompanied by a responsible adult will be permitted in the outside area shown coloured green on the layout plan on Saturdays and Sundays if and when barbeques are being held and to have access to toilet facilities;
  - children and young persons, whilst accompanied by a responsible adult will be admitted to the lounge bar and have access to toilet facilities on the day of the premises annual children's Christmas party. Entry will be through the rear door and not the public bar;
  - children and young persons will be allowed access from 1230 hrs to 1800 hrs, and
  - children and young persons will be allowed entry to the lounge bar, on the day of the premises annual children's Christmas party; to the outside area shown coloured green on the layout plan on Saturdays and Sundays if and when barbeques are being held, and on these occasions will have access to the toilet facilities;
- (2) to the addition within core operating hours to the approved list of activities as follows:
- restaurant facilities
  - dance facilities
  - films