

FALKIRK COUNCIL

MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 11 JUNE 2008 at 10.00 am.

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

CONVENER: Councillor Nicol

APOLOGIES: Councillors Hughes and Waddell.

ATTENDING: Clerk; Acting Head of Environment and Regulatory Services; Solicitor (P Gilmour); Consumer Protection Manager; Licensing Co-ordinator (R Watson), Senior Licensing Assistant (L McGarva); Senior Committee Services Officer (D Kelly) and Committee Services Assistant (S McGhee).

ALSO

ATTENDING: Sergeant Derek Simpson, Central Scotland Police; Charlene Lawrence and Thomas Ross, Licensing Standards Officers.

DECLARATIONS

OF INTEREST: There were no declarations of interest.

SECTION A

1. MINUTES

There was submitted and **APPROVED** Minute of Meeting of the Licensing Board held on 5 June 2008.

2. LICENSING (SCOTLAND) ACT 1976 – APPLICATIONS

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 decisions shown on those items detailed in paragraph (b) below:-

(a)

Union Inn, Lock 16, 2 Portdownie, Camelon, Falkirk

3. LICENSING (SCOTLAND) ACT 2005 – APPLICATIONS

1. Applications for Premises Licences

The Board considered the applications for Premises Licences from the following:-

- (a) Laing's, 114/166 Main Street, Bainsford, Falkirk
- (b) Spar, 59 Jamieson Avenue, Bo'ness
- (c) Woodside Inn, 76 Station Road, Falkirk
- (d) Fusco's Bar, Redding Road, Reddingmuirhead
- (e) Dragon Palace, 7 Callendar Road, Falkirk

(B)

Laing's, 114/166 Main Street, Bainsford, Falkirk

There was submitted Report (circulated) dated 6 June 2008 from the Clerk to the Licensing Board providing details of the transitional application made in terms of the 2005 Act.

After hearing from the representative of the applicant, the Board **GRANTED** the application subject to the undertaking that one of the alcohol display areas is moved and not accessible to the public.

Spar, 59 Jamieson Avenue, Bo'ness

There was submitted Report (circulated) dated 27 May 2008 from the Clerk to the Licensing Board providing details of the transitional application made in terms of the 2005 Act.

After hearing from the representative of the applicant, the Board **AGREED** to continue the matter to a future meeting of the Licensing Board.

Woodside Inn, 76 Station Road, Falkirk

There was submitted Report (circulated) dated 6 June 2008 from the Clerk to the Licensing Board providing details of the transitional application made in terms of the 2005 Act.

Having heard the applicant's agent speak in support of his client's application. The Board **AGREED** that consideration of the application be continued to the Adjourned meeting of the Licensing Board to allow an inspection of the premises by the Board.

Fusco's Bar, Redding Road, Reddingmuirhead

There was submitted Report (circulated) dated 6 June 2008 from the Clerk to the Licensing Board providing details of the transitional application made in terms of the 2005 Act.

After hearing from the applicant, the Board **GRANTED** the application.

Dragon Palace, 7 Callendar Road, Falkirk

There was submitted Report (circulated) dated 6 June 2008 from the Clerk to the Licensing Board providing details of the transitional application made in terms of the 2005 Act.

After hearing from the applicant, the Board **GRANTED** the application.

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 2 JULY 2008 at 10.00 AM.

PRESENT: Provost P Reid; Depute Provost Black and Councillors Hughes, Kenna, McLuckie, McNally and Nicol

CHAIRMAN: Councillor Nicol

APOLOGIES: Councillors Nimmo, Thomson and Waddell; Fire Officer, Central Scotland Fire and Rescue Service.

ATTENDING: Assistant Clerk; Consumer Protection Manager (A Cairns); Licensing Assistant (L McGarva); Committee Services Officer (S Barton) and Committee Assistant (S McGee).

ALSO

ATTENDING: Superintendent R McGregor and PC K Baird, Central Scotland Police.

1. HEARINGS IN TERMS OF SECTION 31 OF THE LICENSING (SCOTLAND) ACT 1976

- (a) (i) Public House at the Carronshore Bar, Carronshore Road, Carronshore, Falkirk – Gary Dempster**
- (ii) Public House at the Royal Hotel, 30/32 High Street, Bonnybridge – Good Entertainment Limited and Kate Dempster, Section 11 Nominee**

There were submitted Reports (circulated) dated 24 June 2008 by the Assistant Clerk advising that letters of complaint in terms of Section 31 of the Licensing (Scotland) Act 1976 had been received from the Chief Constable, Central Scotland Police.

The Assistant Clerk advised that all parties were in attendance and that Mr Dempster was represented by Mrs Margaret Lang, Solicitor; Mrs Dempster was represented by Mrs Sharon Hamilton, Solicitor; and that Good Entertainment Ltd were represented by Mr R Sandeman, Solicitor

In response to a question from Mrs Laing regarding the basis on which the hearing would be conducted, the Chairman ruled that the Board would hear the matters together, given that there was a strong connection.

There being no preliminary matters, copies of the police letters of complaint were then tabled.

In response to a query from Mr Sandeman regarding the date of the complaint letters differing from the copy intimated to him, Superintendent McGregor

advised that the date on the letter may have been changed as part of the administrative process, but the letters would in all other respects be the same.

Superintendent McGregor was then heard in support of the Chief Constable's letters of complaint in relation to Mr Dempster, Mrs Dempster and Good Entertainment Ltd.

Questions were asked of Superintendent McGregor by the agent for Good Entertainment Ltd. The Board also permitted cross examination among the parties who were the subjects of the letters of complaint.

The Board then heard submissions from the agents for Mr Dempster, Mrs Dempster and Good Entertainment Limited in support of their clients and on the circumstances surrounding the police complaint. Questions were asked of Mrs Dempster by Superintendent McGregor.

Questions were then asked by Members of the Board.

AGREED that a short adjournment take place to enable Members to hear advice from the Assistant Clerk.

The Board unanimously **AGREED**:-

- (i) in relation to the complaint against Good Entertainment Ltd that they were not found to be unfit to hold a licence but that a letter should be sent by the Clerk of the Licensing Board to Good Entertainment Ltd reminding them of the Board's best practice for licence holders;
- (ii) in relation to the complaint against Mrs Dempster, to uphold the police complaint, to find her not a fit and proper person to hold a licence and to suspend the licence for the Royal Hotel for a period of 3 weeks; and
- (iii) in relation to the complaint against Mr Dempster, to uphold the police complaint, to find him not a fit and proper person to hold a licence and to suspend the licence for the Carronshore Bar for a period of 1 week.

Depute Provost Black left the meeting following conclusion of the foregoing item.

(b) Off Sales at the Local Store, 18 Nisbet Drive, Denny – Mohammad Usman Aslam Choudhry

There was submitted report (circulated) dated 24 June 2008 by the Clerk advising that a letter of complaint in terms of Section 31 of the Licensing (Scotland) Act 1976 had been received from the Chief Constable, Central Scotland Police.

It was noted that the Licensee was in attendance and was represented by Mr Ewan Grant, Solicitor.

Mr Grant confirmed that he had no preliminary matters.

The police letter of complaint was then tabled.

Superintendent McGregor was then heard in support of the Chief Constable's letter of complaint. During his submission, there was a brief adjournment for witness statements to be lodged (with identities erased) and copied.

Questions were then asked of Superintendent McGregor by the agent for the Licensee.

The Licensee's agent was heard in support of the Licensee and on the circumstances surrounding the police complaint.

Questions were then asked of the Licensee's agent and the Chief Constable's representative by Members.

AGREED that a short adjournment take place to enable Members to hear advice from the Assistant Clerk.

The Board unanimously **AGREED** to uphold the Police complaint, to find that the Licensee was not a fit and proper person to be the holder of a licence and, that the off-sales licence for 18 Nisbet Drive, Denny be suspended for a period of 3 months.

Having heard the Chairman, the Board **AGREED** to a short adjournment for lunch. The meeting adjourned at 1.45 p.m and reconvened at 2.15 p.m with all Members present as per sederunt with the exception of Depute Provost Black.

(c) Public House at The Gordon Lounge, 100 Thornhill Road, Falkirk – Anne Reddington

There was submitted report (circulated) dated 24 June 2008 by the Clerk advising that a letter of complaint in terms of Section 31 of the Licensing (Scotland) Act 1976 had been received from the Chief Constable, Central Scotland Police.

The Assistant Clerk advised that the Licensee was not in attendance, but that it was available to Members to hear the complaint, as due notice thereof had been given to the Licensee.

The Police letter of complaint together with a letter received from the Licensee, dated 6 June 2008 were then tabled.

Superintendent McGregor was then heard in support of the Chief Constable's letter of complaint.

AGREED that a short adjournment take place to enable Members to hear advice from the Assistant Clerk.

The Board unanimously **AGREED** to uphold the Police complaint, to find that the Licensee was not a fit and proper person to be the holder of a licence, and that the licence of the Gordon Lounge be suspended for a period of 1 year.

FALKIRK COUNCIL LICENSING BOARD

MEETING, 18 AUGUST 2008 at 9:30am in Members' Suite, Municipal Buildings, West Bridge Street, Falkirk, FK1 5RS

Licensing (Scotland) Act 2005

Conversion(s)	Premises	Applicant	Date Received	Comments
1	BOOTS STORES LTD. 79-91 HIGH STREET FALKIRK FK1 1HB	BOOTS STORES LTD.	7 March 2008	OFF SALE APPLICANT CITED
2	DUTCH INN MAIN STREET SKINFLATS FALKIRK FK2 8NG	THE DUTCH INN C/O RGM SOLICITORS 9 LA PORTE PRECINCT GRANGEMOUTH FK3 8AZ	7 March 2008	ON SALE APPLICANT CITED
3	EDGE 18 GRAHAMS ROAD FALKIRK FK1 1HS	PUNCH TAVERNS (INNS) LIMITED C/O FORD & WARREN WESTGATE POINT WESTGATE LEEDS LS1 2AX	7 March 2008	ON & OFF SALE APPLICANT CITED

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4	FALKIRK TOWN HALL WEST BRIDGE STREET FALKIRK FK1 5RS	LESLEY O'HARE C/O LINDSAYS SOLICITORS 1 ROYAL BANK PLACE BUCHANAN STREET GLASGOW G1 3AA	7 March 2008	ON SALE APPLICANT CITED
5	FIRST DOWN 162 STIRLING STREET DENNY FALKIRK FK6 6JQ	FIRST DOWN LEISURE LTD. C/O KERR STIRLING 10 ALBERT PLACE STIRLING FK8 2QL	7 March 2008	ON & OFF SALE APPLICANT CITED
6	FRANKIE & BENNY'S UNIT 17 CENTRAL RETAIL PARK GRAHAM'S ROAD FALKIRK FK1 1LW	CITY CENTRE RESTAURANTS (UK) LTD C/O MCGRIGORS PACIFIC HOUSE 70 WELLINGTON STREET GLASGOW	7 March 2008	ON SALE APPLICANT CITED

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7	GRAEME HOTEL 40 GRAHAMS ROAD FALKIRK FK1 1HR	BURNSIDE UK LTD. C/O MARSHALL WILSON 20 LA PORTE PRECINCT GRANGEMOUTH FALKIRK FK3 8AS	7 March 2008	ON SALE APPLICANT CITED
8	GRANGE MANOR HOTEL GLENSBURGH ROAD GRANGEMOUTH FALKIRK FK3 8XJ	GRANGE LEISURE LIMITED C/O LORNA MURRAY 45 CULDUTHEL ROAD INVERNESS IV2 4HQ	7 March 2008	ON & OFF SALE APPLICANT CITED
9	LADYSMILL STORE 10/12 GRANGEMOUTH ROAD FALKIRK FK2 9DA	LIAQUAT ALI C/O MARSHALL WILSON 20 LA PORTE PRECINCT GRANGEMOUTH FALKIRK FK3 8AS	7 March 2008	OFF SALE APPLICANT CITED

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10	LEA RIG 175 DEAN ROAD BONESS EH51 0HG	PUNCH TAVERNS (INNS) LIMITED C/O FORD & WARREN WESTGATE POINT WESTGATE LEEDS LS1 2AX	7 March 2008	ON & OFF SALE APPLICANT CITED
11	SCOTMID/MORNING NOON & NIGHT 169-171 DEAN ROAD BONESS EH51 0HF	SCOTTISH MIDLAND CO-OPERATIVE SOCIETY LIMITED C/O ANDERSON STRATHERN 1 RUTLAND COURT EDINBURGH EH3 8EY	7 March 2008	OFF SALE APPLICANT CITED
12	THE KINCARDINE WAY BOWTREES ROUNDABOUT HAUGHS OF AIRTH FALKIRK FK2 8PJ	WHITBREAD RESTAURANTS LIMITED C/O BRUNTON MILLER 22 HERBERT STREET GLASGOW G20 6NB	7 March 2008	ON & OFF SALE APPLICANT CITED

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Conversion(s)	Premises	Applicant	Date Received	Comments
13	UNION INN 2 PORTDOWNIE LOCK 16 FALKIRK FK1 4QZ	THE PARTNERSHIP OF GRAHAM VAUSE AND SHEELAGH DOYLE C/O HARPER MACLEOD THE CA'DORO 45 GORDON STREET GLASGOW	7 March 2008	ON & OFF SALE APPLICANT CITED

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Licensing (Scotland) Act 1976

Regular Extension(s) - New

Premises	Applicant	Date Received	Comments
14 BLACKNESS INN 18 THE SQUARE BLACKNESS	WALTER HEEPS C/O MARSHALL WILSON 20 LA PORTE PRECINCT GRANGEMOUTH FALKIRK FK3 8AS	2 May 2008	Sunday to Thursday 11.00 pm to 12.00 midnight Friday & Saturday 11.00 pm to 1.00 am Sunday 2.30 pm to 6.30 pm NEW - WITHIN POLICY APPLICANT CITED

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Licensing (Scotland) Act 1976

Alterations Premises	Applicant	Date Received	Comments
15 BEHIND THE WALL 14 MELVILLE STREET FALKIRK FK1 1HZ	CRISPNEW LTD C/O KERR STIRLING 10 ALBERT PLACE STIRLING FK8 2QL	3 July 2008	APPLICANT CITED