

FALKIRK COUNCIL

MINUTE of MEETING of the LICENSING BOARD held in the COUNCIL CHAMBERS, MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 15 MAY 2013 at 9.30 A.M.

PRESENT: Councillors Black, Buchanan; Hughes; McLuckie, Nicol; Nimmo, and Ritchie.

CONVENER: Councillor Nicol.

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

ALSO

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

LB11. APOLOGIES

No apologies were intimated.

LB12. DECLARATIONS OF INTEREST

No declarations were made.

LB13. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Licensing Board held on 17 April 2013.

LB14. HOLLANDBUSH SUPERSAVE LICENSCEED GROCERS, HOLLANDBUSH AVENUE, BANKNOCK

The Convener advised that this matter would be **CONTINUED** to a future meeting of the Licensing Board.

LB15. BEHIND THE WALL, 14 MELVILLE STREET, FALKIRK

There was submitted report (circulated) 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.

The Board **NOTED** that one objection had been received in respect of the variation application. The objector had been invited to attend but had intimated that he was unable to attend but wished his objection to be heard in his absence.

The applicant's agent, Ms Hood, advised that she had no preliminary matters to raise concerning the validity of the objection. Accordingly, a copy of the objection was circulated to Members.

The applicant and his agent were heard in relation to concerns raised in the objection, to action taken to address specific issues, and in clarification of questions raised by Members.

The applicant's agent was then heard in support of the variation application.

The Board agreed to a short adjournment. The Board adjourned at 10.10 a.m. and reconvened at 10.25 a.m. with all Members present as per the sederunt.

After discussion, the Board **GRANTED** the following seasonal variation until 31 January 2014, but that the additional hour between 12 midnight and 1.00 a.m. would only be enjoyed when entertainment is being provided:-

- (1) that the on sales trading hours on Thursdays would be from 0900 hrs to 0100 hrs

LB16. A & O RANA LICENSED GROCERS, 126 CUMBRAE DRIVE, TAMFOURHILL

There was submitted report (circulated) 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.

The Board heard from the applicant in support of his application and in clarification of questions raised by Members of the Board.

After discussion, the Board **AGREED** to **CONTINUE** the application to a future meeting of the Licensing Board to allow an inspection of the premises to be carried out by the Licensing Board Members.

LB17. CAFÉ WESTFIELD, FALKIRK COMMUNITY STADIUM, WESTFIELD, FALKIRK

There was submitted report (circulated) 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 the application and in clarification of questions raised by Members, the Board **GRANTED** the following variations to 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 whilst accompanied by an adult
 - children 0-15 years of age inclusive and young persons 16 & 17 years of age will be allowed entry
 - children and young persons will be allowed entry until 2200 hours or until the terminal hour whilst attending a private function
 - children and young persons will be allowed entry to the bistro and restaurant together with access and egress routes and toilets
- (2) the addition of the following activities outwith core operating hours:-
 - conference facilities
 - restaurant facilities
 - bar meals
 - receptions including wedding, funerals, birthdays, retirements etc.
 - club or other group meetings etc
 - recorded music
 - televised sport

LB18. ST LAURENCE, MAIN STREET, SLAMANNAN

There was submitted report (circulated) 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 the application and in clarification of questions raised by Members, the Board **GRANTED** the following variation to the current licence, namely:-

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

On Sales Sunday 1100 hrs to 2400 hrs
Off Sales Sunday 1100 hrs to 2200 hrs

LB19. GULNAR TANDOORI, 50-64 MAIN STREET, LARBERT

There was submitted report (circulated) 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 the application and in clarification of questions raised by Members, the Board **GRANTED** the following variations to 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 whilst accompanied by a responsible adult whilst taking a meal
- children under 18 years of age will be allowed entry
- children 0-15 years of age inclusive will be allowed entry until 2200 hours, and young persons 16 & 17 years of age will be allowed entry until the terminal hour
- children and young persons will be allowed entry to all parts of the premises

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

Friday and Saturday 1100 hrs to 2400 hrs

LB20. VOODOO LOUNGE, 7-11 WOOER STREET, FALKIRK

There was submitted report (circulated) 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 the application and in clarification of questions raised by Members, the Board **GRANTED** the following variations to the current licence, namely:-

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

On Sales Sunday 1000 hrs to 2400 hrs

Off Sales Sunday 1000 hrs to 2200 hrs

The Board also agreed to amend existing condition 1 of the licence to reflect the variation of the trading hours, namely:

“during the period when the core hours on a Sunday commence at 1000 hrs, the kitchen must be fully operational and a full, unrestricted food menu available to patrons.”

LB21. HEARING ON PERSONAL LICENCE – HAROON RASHID

There was submitted report (circulated) dated 7 May 2013 by the Clerk to the Licensing Board (a) referring to the Review Hearing of the premises licence for R K Foodstore, 120 Haugh Street, Bainsford held on 17 April 2013; (b) detailing the Board’s finding in terms of section 84(2) of the Licensing (Scotland) Act 2005 that the designated premises manager, Haroon Rashid, being a personal licence holder, while working on the premises at R K Foodstore, 120 Haugh Street, Bainsford had acted in a manner which was inconsistent with the licensing objective of preventing crime and disorder, and (c) advising that in terms of section 84(3)(a) of the 2005 Act, the Board must now hold a hearing on Haroon Rashid’s personal licence.

Haroon Rashid was in attendance and accompanied by his agent, Mr Thomson.

The Board heard from Mr Thomson in relation to the preventative measures which his client had put in place since the incident which had resulted in the premises licence review hearing.

After due consideration of the matter before it, and in accordance with section 84(6) of the Act, the Board **AGREED** that it was satisfied that it was necessary for the purposes of the licensing objective of preventing crime and disorder to make an Order in terms of section 84(7) **ENDORISING** Haroon Rashid’s personal licence FC0427.

LB22. EQUALITY ACT 2010 – DRAFT MULTI EQUALITY STRATEGY

There was submitted report (tabled) dated 9 May 2013 by the Consumer Protection Manager (a) advising that the Equality Act 2010 replaces the existing equality legislation and consolidates anti-discrimination laws into a single Act; (b) setting out the range of actions required to be undertaken by public authorities to ensure compliance with the Specific Duties set out by Scottish Ministers, and (c) attaching as an appendix to the report, a copy of the draft Multi Equality Strategy 2013.

After discussion, the Board:-

- (1) approved the draft Multi Equality Strategy 2013 for the purpose of consultation;
- (2) agreed to consult with the persons/organisations set out in paragraph 4.2 of the report, for a period of 12 weeks, and
- (3) that a further report on the consultation responses be presented to the Board with a view to final determination of the Board’s Multi Equality Strategy 2013.