

6. APPLICATION FOR VARIATION OF A PREMISES LICENCE - GREEN TREE TAVERN, 3-5 MAIN STREET, BATHGATE

The applicant Mr William Meldrum was in attendance and unrepresented. He confirmed he was content to proceed without representation.

Police Scotland was represented by PC Tom White.

Douglas Frood, Licensing Standards Officer was also in attendance.

The Depute Clerk referred the Board to the report.

The Board heard PC White speak to the objection submitted by Police Scotland.

The Board heard Mr Meldrum speak in support of Variation of Premises Licence application.

The variation sought was as follows;

- To vary the licensed opening hour for the sale of alcohol to customers for consumption on the premises on Sundays from half past midday to 11am;
- To vary the licensed opening hour for sale of alcohol to customers for consumption off the premises on Sundays from half past midday to 11am;
- To vary question 4 in the operating plan (seasonal variations) to include details of a proposed extension of hours of operation on the following days:- Christmas Eve (until 2am), Christmas Day (until 2am), Hogmanay (until 2am) and Bathgate Gala Day (from 10am).
- To vary question 5 in the operating plan to remove Receptions and Club/Group meetings etc outwith core licensed hours;
- To vary question 5 in the operating plan to include live performances during core licensed hours;
- To vary question 6(b) in the operating plan regarding the terms under which children and young persons will be allowed entry to the premises to provide for the following terms - "Children to be allowed in for televised football games and also while waiting for supporters buses, and for Bathgate Gala day. Children must be accompanied by an adult at all times" to replace the current terms – "Allowed in for televised football provided accompanied by an adult";
- To vary question 6(c) in the operating plan regarding the ages of children or young persons allowed entry to the premises to allow entry for 5 – 17 year olds, currently the operating plan only permits children over 14 to be allowed entry to the premises;

- To vary question 7 in the operating plan from 73 to 126 persons as shown on the proposed new layout plan; and
- To replace the current layout plan with the proposed new layout plan.

Following advice by the Depute Clerk to the Board with regard to the Board's Festive hours policy the applicant withdrew the part of his application to vary question 4 of the operation plan (seasonal variations) with regard to an extension of hours over the festive period.

Given Mr Meldrum's submission regarding the application the Licensing Standards Officer, Douglas Froom, noted that it appeared that Mr Meldrum was not seeking to sell alcohol from 10am on Bathgate Gals day but simply wanted to serve teas and coffees. Mr Meldrum then withdrew the part of his application to vary question 4 of the operating plan with regard to extended hours on Bathgate Gala Day.

The Board then had an opportunity to question all parties.

The Depute Clerk provided the Board with legal advice

Police Scotland had no comment to make to the legal advice provided to the Board.

Mr Meldrum had no comment to make on the legal advice.

Police Scotland and Mr Meldrum had an opportunity to sum up before leaving the room to allow the Board to have private discussions.

Following the private session all parties returned.

Mr Meldrum agreed to accept the substitution of the current Children and Young Persons conditions for the old style conditions currently attached to the licence.

Decision

To grant the variation of the premises licence subject to the substitution of the current Children and Young Persons conditions for the old style children's conditions on the licence and with the exception of the following:-

Refused by the Board - to vary question 6(b) in the operating plan regarding the terms under which children and young persons will be allowed entry to the premises to provide for the following terms - "Children to be allowed in for televised football games and also while waiting for supporters buses, and for Bathgate Gala day. Children must be accompanied by an adult at all times" to replace the current terms - "Allowed in for televised football provided accompanied by an adult".

Refused by the Board - to vary question 6(c) in the operating plan regarding the ages of children or young persons allowed entry for 5 -17

year olds, currently the operating plan only permits children over 14 to be allowed entry to the premises.

The Board noted that the applicant had withdrawn the variation as follows
- to vary question 4 in the operating plan seasonal variations to include details of the proposed extension of hours of operation on the following days:- Christmas Eve (until 2am), Christmas Day (until 2am), Hogmanay (until 2am), and Bathgate Gala day (from 10.00am).