

MINUTE of MEETING of the LICENSING COMMITTEE (PRIVATE) of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 19 APRIL 2017.

Present – Councillors Tony Boyle (Chair), George Paul, Tom Conn, Dave King, Anne McMillan, John Muir, Jim Walker

Opening Remarks

The Chair wished to record a note of thanks to all the officers for their assistance over the past five years. He also wished to record a note of thanks to all councillors who had participated in meetings of the Licensing Committee.

The Clerk wished to record a note of thanks to the Chair for his assistance over the past five years. She also wished to record a note of thanks to all councillors who had participated in meetings of the Licensing Committee.

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The committee confirmed the Minute of its meeting held on 15 March 2017 as a correct record. The Minute was thereafter signed by the Chair.

3. PRIVATE SESSION

The committee resolved under Section 50(A) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 3, 12 and 14 of Schedule 7A of the Act.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - PROPOSED PROCESSION – ITEM 6

The organiser was not in attendance at the hearing, the band was represented by Andrew Sayers, Scott Fairley and Councillor Alex Davidson.

Introductions were made by all parties. The Clerk then explained the procedures that would be followed.

The Clerk referred the committee to the report and advised that a request had been made by Police Scotland to reconsider the order that had been made to allow a public procession on 29 April 2017.

The committee heard Chief Inspector Blair speak in relation to the request to reconsider the order. The committee also heard Amanda Lamb, the

council's Events Co-ordinator speak in relation to the Safety Advisory Group meeting.

The organiser's representatives were given an opportunity to question Chief Inspector Blair and Amanda Lamb.

The committee had an opportunity to question Chief Inspector Blair and Amanda Lamb.

The committee heard the organiser's representatives speak in relation to the request.

Chief Inspector Blair was given an opportunity to question the organiser's representatives.

The committee had an opportunity to question the organiser's representatives.

Finally, all parties were given opportunity to sum up.

All parties left the room to allow the committee to deliberate in private.

After deliberations all parties returned.

The Clerk advised all parties of the legal advice she provided to the committee during the private deliberations and invited comments from Chief Inspector Blair and the applicants, with regard to that advice. There were no comments on that advice.

The committee then made its decision.

Decision

1. To revoke the order to hold a public procession on Saturday 29 April 2017, in the interest of public safety, public order, and that it was an excessive burden on Police Scotland.
2. To grant an order to hold a public procession on Friday 28 April 2017 from the hours of 18.30 to 20.30, subject to the same conditions previously imposed.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - SECOND HAND DEALER'S LICENCE - ITEM 7

The applicant was in attendance at the meeting and was unaccompanied.

Introductions were made by all parties.

The Clerk explained the procedures that would be followed.

The Clerk referred the committee to the report (copies of which had been circulated) by the Chief Solicitor advising that Police Scotland had submitted a representation to the application.

The report advised that in terms of the Civic Government (Scotland) Act 1982 3(1)(e) an objection/representation should be lodged within 28 days of the date the application was made. The current representation was received outwith the 28 day period.

The report further advised that paragraphs 3(2) gave the committee the discretion to consider an objection/representation if it was satisfied that there were sufficient reasons as to why it was outwith the 28 day period.

Inspector Robertson, Police Scotland provided the committee with an explanation as to why the representation was outwith the 28 day period.

The applicant had no objections to the representation being circulated.

The committee accepted the reasons given for the late submission of the representation and exercised its discretion to hear the representation.

Copies of the representation were circulated.

The committee heard Inspector Robertson speak in relation to the representation.

The applicant was given an opportunity to question Inspector Robertson.

The committee had an opportunity to question Inspector Robertson.

The committee heard the applicant speak in support of his application.

Inspector Robertson was given an opportunity to question the applicant.

The committee had an opportunity to question the applicant.

Finally, all parties were given an opportunity to sum up.

All parties then left the room to allow the committee to deliberate in private.

After deliberations all parties returned and the committee then made its decision.

Decision

To grant the application for renewal of the second hand dealer's licence.

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - TEMPORARY PUBLIC ENTERTAINMENT LICENCE - ITEM 8

The applicant was not in attendance but was represented by his father.

Introductions were made by all parties.

The Clerk referred the committee to the report (copies of which had been circulated) by the Chief Solicitor advising that a representation had been

submitted by Councillor Peter Johnston.

The committee agreed that a representation received after preparation of the report be considered. In that representation Environmental Health confirmed that it had no objections to the application but proposed two additional conditions.

The committee heard the applicant's representative speak in support of the application.

The committee had an opportunity to question the applicant's representative.

Finally, the applicant's representative was given an opportunity to sum up.

Decision

To grant the application for a temporary public entertainment licence from Tuesday 9 May to Sunday 14 May subject to the standard conditions and the following two additional conditions as proposed by Environmental Health.

1. The operation of klaxons, sirens, bells or other similar noise producing equipment on site is prohibited at all times. An exception would be made for such devices which form an integral part of an arcade machine or gaming machine.
2. Amplified announcements (including the DJ, or DJs), except in an emergency, are prohibited on site at all times.