

MINUTE of MEETING of the WEST LOTHIAN LICENSING BOARD of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 21 APRIL 2017.

Present – Councillors, Tony Boyle (Chair), Jim Dickson, Mary Dickson, Jim Dixon, Anne McMillan, John Muir, George Paul, Frank Toner, Jim Walker,

Absent – Councillor Harry Cartmill

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 Board.

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 Board.

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The Board confirmed the Minute of its meeting held on 10 March 2017 as a correct record. The Minute was thereafter signed by the Chair.

2. APPLICATION FOR VARIATION OF PREMISES LICENCE - CROWN ARMS, 179 HIGH STREET, LINLITHGOW

The Depute Clerk referred the Board to the report on the application. The applicant was represented by Mr Jim Carlin, Sneddon Morrison Solicitors.

The variation sought was:-

- To vary the licensing opening hour for sale of alcohol to customers for consumption on the premises from half past midday to 11am on a Sunday.

Mr Carlin made submissions to the Board in support of the application.

Inspector Robertson confirmed that Police Scotland had no objections or representations to make regarding the application. Mr Douglas Froom, Licensing Standards Officer also confirmed that he had no objection to the application.

Decision

The Board agreed unanimously to grant the application to vary the licence.

3. NOTICE OF CONVICTION FROM PREMISES LICENCE HOLDER - MARTIN MCCOLL LIMITED

The Depute Clerk referred the Board to the report. The Board was invited to consider the information contained in the written submissions provided by the agent for the licence holder and whether grounds for a review were established.

Decision

The Board decided unanimously that no grounds for a review were established and took no further action accordingly.

4. NOTICE OF CONVICTION FROM PREMISES LICENCE HOLDER - ASDA STORES LIMITED

The Depute Clerk referred the Board to the report advising that on 31 March 2017 a letter was received from Gosschalks Solicitors on behalf of Asda Stores Limited containing a notice of conviction a copy of which was contained in appendix 1.

The Depute Clerk advised that in the circumstances the Board was invited to make a premises review proposal regarding the two premises licences and to determine that it was content to proceed by way of written submissions only. The agent for the licence holder would then be invited to provide written submissions regarding the circumstances relating to the convictions and a report would be provided to the Board at its meeting on 26 May 2017.

Decision

The Board unanimously agreed to adjourn the application to the next meeting of the Board taking place on 26 May 2017 to allow for a review to be undertaken by written submissions.

5. FESTIVE POLICY 2017/19

The Depute Clerk referred the Board to the report on the Board's proposed festive policy for the festive period 2017/19.

The Depute Clerk explained that the policy detailed in Appendix 1 was agreed in 2016 on a trial basis. The effect of the policy was that all premises in the relevant categories were granted an additional trading hour on a number of specified dates only, up to a maximum of 2am for premises other than nightclubs and 4am nightclubs.

The policy was very successful in reducing uncertainty and the need for a large number of applications to be made.

The Deputy Clerk advised that in line with legislative requirements the Board's Statement of Licensing Policy required to be reviewed during 2017/18 and the revised document must be approved by 3 November 2018. It was therefore suggested that the policy approved in 2016 be followed for 2017/19 with the Board considering what its festive policy should be for the five years after that as part of the full policy review.

Decision

To approve the terms of the report and agree the Festive Policy for the periods 2017/18 and 2018/19.

6. LICENSING BOARD MAINSTREAMING REPORT AND OUTCOME PLAN 2017-2021

The Deputy Clerk referred the Board to the Licensing Board Mainstreaming report and Outcome Plan 2017-2021.

The Deputy Clerk advised that for the purposes of the Equality Act 2010 the Board was regarded as a distinct legal entity from the council and was therefore required to have due regard to equality needs, and to have and publish its own equality outcomes.

The Board's Equality Outcomes which were published in April 2017 for the period 2013-2017. The Board's Equality Outcomes were updated in May 2015 following a request from Equality Human Rights Commission Scotland.

The report advised that the outcomes were updated and amended slightly in conjunction with the work being done by HR on behalf of the council and were incorporated into a Mainstreaming Report and Outcome Plan.

This document would replace the document entitled "The West Lothian Licensing Board: Equality Outcomes 2015-2019" on the council's website.

The report recommended that the Board consider and approve the Mainstreaming Report and Outcomes Plan 2017-2021.

Decision

To approve the terms of the report.

2. APPLICATION FOR PERSONAL LICENCE - ZOHAIB ALI

The Deputy Clerk referred the Board to the report on the application. The applicant Mr Ali was present and unrepresented.

Mr Ali advised that he had been unable to obtain legal representation and

requested an adjournment.

Decision

The Board agreed unanimously to adjourn the to the next meeting taking place on 26 May to allow the applicant to seek legal representation.