

MINUTE of MEETING of the WEST LOTHIAN LICENSING BOARD of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 10 NOVEMBER 2017.

Present – Councillors Peter Heggie (Convener), Bruce Fairbairn, Chris Horne, Tom Kerr, Dom McGuire

Apologies – Councillor George Paul

1. DECLARATIONS

There were no declarations of interest made.

2. MINUTE

The Board confirmed the Minute of its meeting held on 13 October 2017 as a correct record. The Minute was thereafter signed by the Chair.

3. APPLICATION FOR A PROVISIONAL PREMISES LICENCE - PROPOSED LIDL STORE, EAST MAIN STREET, BROXBURN

The applicant was represented by Andrew Hunter, Harper McLeod Solicitors and accompanied by Kimberley Steele from Lidl.

The Depute Clerk referred the Board to the report on the application.

Mr Hunter made submissions in support of the provisional premises licence application.

Inspector Scott Robertson confirmed Police Scotland had no objections to the application.

Douglas Frood, Licensing Standards Officer confirmed he had no adverse comments to make in relation to the application.

The Board had an opportunity to put questions to Mr Hunter.

Mr Hunter had an opportunity to sum up before the Board made its decision.

Decision

To grant the application for a provisional premises licence.

4. APPLICATION FOR A PROVISIONAL PREMISES LICENCE - 19 MAIN STREET, WEST CALDER

The applicant Mr Sharif was in attendance and was represented by Mr McIvor, Brunton Miller, Solicitors.

The objector Ms Catherine Findlay was in attendance and had a letter of

authority to speak on behalf of Mrs Brock who also objected to the application. The Board agreed to accept this letter of authority.

The Depute Clerk referred the Board to the report on the application. The Clerk advised that there were no adverse comments from statutory consultees but there were objections from members of the public.

Ms Findlay was given an opportunity to speak to her objection, and Mrs Brock's objection to the application.

Inspector Robertson, Police Scotland confirmed he had no objections to the application.

Douglas Froom, Licensing Standards Officer confirmed he had no adverse comments to make to the application and he suggested the Board consider imposing a condition on the licence that there was CCTV at the premises.

The Depute Clerk advised that there were two further written objections for consideration contained in appendices 6 and 7. He referred the Board to these objections.

The Depute Clerk advised the Board that the objections to the application were partly based on speculative assertions that were not based on any factual material and that recent case law stressed the need for factual material to support licensing decisions and claims of possible consequences flowing from a licensing decision. He further advised the Board that some of the objections were based on considerations that were irrelevant to the licensing objectives. As such he advised that the objections, in law would not support a refusal of the application.

Mr McIlvor made submissions in support of the provisional premises licence. Mr McIlvor indicated that the applicant would have no objection to a CCTV condition.

Inspector Robertson, Police Scotland was given an opportunity to ask questions of the applicant's representative.

Douglas Froom, Licensing Standards Officer was given an opportunity to ask questions of the applicant's representative.

Ms Findlay was given an opportunity to ask questions of the applicant's representative.

The Board had an opportunity to ask questions of the applicant's representative.

The Depute Clerk advised that the Board that in terms of Section 27(6) of the 2005 Act they could only impose other conditions if they were satisfied that it was necessary or expedient for the purposes of any of the licensing objective and that in turn this would be required to be based on factual material that had been presented to the Board.

Mr McIlvor had no comment to make in relation to the advice given by the

Depute Clerk.

Decision

To grant the application for a provisional premises licence.