

MINUTE of MEETING of the WEST LOTHIAN LICENSING BOARD of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 13 JULY 2018.

Present – Councillors Dom McGuire (Convener), Alison Adamson, David Dodds, Bruce Fairbairn, Charles Kennedy, George Paul, Damian Timson

Apologies – Councillor Tom Conn

1. DECLARATIONS OF INTEREST

There were no declarations of interest of interest made.

2. MINUTE

The Board confirmed the Minute of its meeting held on 8 June 2018 as a correct record. The Minute was thereafter signed by the Convener.

3. APPLICATION FOR PREMISES LICENCE - S & R MINI MARKET, 19 ST HELENS PLACE, ARMADALE

The applicant was in attendance and represented by Eric Lumsden on Behalf of Jim Carlin, Sneddon Morrison Solicitors.

Police Scotland was represented by PC Tom White.

Douglas Frood, the Licensing Standards Officer was also in attendance.

The Clerk referred the Board to the application.

Mr Lumsden confirmed there was no dispute with the contents of the report.

Mr Lumsden then made submissions to the Board in support of the application.

PC White confirmed Police Scotland had no objections or representations in relation to the application.

Douglas Frood confirmed he had no adverse comments to make in relation to the application.

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

Decision

To grant the application for a premises licence.

4. APPLICATION FOR VARIATION OF PREMISES LICENCE - ALDI, ALMONDVALE ROAD, LIVINGSTON

The applicant was represented by Mr McDougall on behalf of Niall Hassard, TLT Solicitors and Mr Graham Thomson, manager at the premises.

Police Scotland was represented by PC Tom White.

Douglas Frood the Licensing Standards Officer was also in attendance.

The Clerk referred the Board to the report.

The variation sought was:-

- To vary the answer to question 4 in the operating plan to state that the licence holder no longer intended to operate according to seasonal demand and to remove the details provided at question 4;
- To vary the answer to question 7 in the operating plan with regard to the capacity for the premises from 33.75 square metres to 31.71486 square metres due to the internal reconfiguration of the premises shown on the proposed new layout plan; and
- To replace the current layout plan for the premises with the proposed new layout plan reflecting the reconfiguration of the premises.

Mr McDougall confirmed there was no dispute with the contents of the report. Mr McDougall then made submissions in support of the application.

PC White confirmed that Police Scotland had no adverse comments to make to the application.

Douglas Frood confirmed he had no adverse comments to make to the application.

The Board had an opportunity to question the Mr McDougall.

Decision

To grant the application to vary the licence.

5. APPLICATION FOR VARIATION OF PREMISES LICENCE - MORRISONS, WHITBURN ROAD, BATHGATE

The applicant was represented by Mr Taylor, Gosschalks Solicitors, who was accompanied by Mr Penman, Store Manager.

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 variation sought was:-

- To change the answer to question 5 in the operating plan to include restaurant facilities within and outwith core licensed hours; and
- To change the answer to question 5(f) in the operating plan to -
“The premises may trade in the sale of products other than alcohol and provide a customer café and ancillary customer services up to 24 hours a day subject to customer demand and the grant of any statutory consent where required”.

The Board heard Mr Taylor speak in support of the application.

PC White confirmed Police Scotland had no adverse comments to make to the application.

Douglas Froom confirmed there were no changes to the operation of the premises and that he had no adverse comments to make.

The Board had an opportunity to question Mr Taylor and Mr Penman.

Decision

To grant the application to vary the licence.

6. VARIATION OF PREMISES LICENCE - MORRISONS, ALDERSTONE ROAD, LIVINGSTON

The applicant was represented by Mr Taylor, Gosschalks Solicitors, who was accompanied by Mr Penman, Bathgate Store Manager.

Police Scotland was represented by PC Tom White.

Douglas Froom, Licensing Standards Officer was also in attendance.

The Depute Clerk referred the Board to the report.

The variation sought was:-

- To change the answer to question 5 in the operating plan to include restaurant facilities within and outwith core licensed hours.

The Board heard Mr Taylor speak in support of the application.

PC White confirmed Police Scotland had no adverse comments to make to the application.

Douglas Froom confirmed there were no changes to the operation of the premises and that he had no adverse comments to make.

The Board had an opportunity to question Mr Taylor and Mr Penman.

Decision

To grant the application to vary the licence.

7. APPLICATION FOR VARIATION OF A PREMISES LICENCE -
BUCKSHEAD TAVERN, 103 WEST MAIN STREET, ARMADALE

The applicant was represented by Mr Majinder Sandhu. Mr Sandhu provided written authorisation from the licence holder to represent him. Mr Sandhu was accompanied by Mr Tommy Taylor. Mr Sandhu gave consent to Mr Tommy Taylor to speak on his behalf.

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 Depute Clerk advised that the applicant had requested that children and young persons be allowed on the premises until 11pm which was outwith the Board's policy.

The Depute Clerk also advised that he had raised an issue with the applicant regarding the description of the premises on the licence.

The applicant's representative confirmed there were no disputes with the report.

The variation sought was as follows:

- To substitute a new layout plan for the premises reflecting the reconfiguration of the premises as a restaurant;
- To change the name of the premises to "Virsa Indian Restaurant";
- To vary the licensed terminal hour for sale of alcohol for consumption on the premises on a Friday and Saturday to 11pm from 1am;
- To vary the table of other activities or services provided to add restaurant facilities, bar meals and club or other group meetings etc, as activities during core licensed hours, and to remove gaming and televised sport;
- To vary the operating plan to permit children and young persons on the premises when alcohol is being sold for consumption on the premises when accompanied by an adult and only being permitted access to the restaurant area and toilets, until 11pm daily;
- To vary the capacity of the premises from 146 to 66; and
- To change the licence holder's address

The Board heard the applicant's representatives speak in support of the application.

The applicant's representative indicated that he was happy to amend the application in respect of the terminal hour relating to Children and Young Persons' to 10pm which was within the Board policy.

The applicant's representatives also provided an amended description of the policy as follows:

To remove the first three words and replace with "Licensed Restaurant.

The applicant's representative confirmed that the Children and Young Persons' style conditions attached to the report were accepted.

PC White confirmed Police Scotland had no adverse comments to make.

Douglas Frood advised that the Children and Young persons issued had been addressed and therefore had no adverse comments to make.

Decision

To grant the application to vary the licence subject to the following:-

1. To amend the application by amending the operating plan at Question 6(d) to 11am to 10pm Monday to Saturday and 12.30pm to 10pm on Sunday;
2. To amend the application by including an amendment to the description of the premises as shown on the licence by removing the first three words and replacing with "Licensing Restaurant"; and
3. To apply Children and Young Persons' style conditions from the Board's policy.

8. APPOINTMENT OF CONVENER

Nominations were invited for the post of Convener of the Licensing Board.

Councillor Damian Timson nominated Councillor Dom McGuire as interim Convener until the first meeting of the Board following the next Full Council meeting in September.

Councillor George Paul seconded the nomination.

Decision

To agree unanimously that Councillor Dom McGuire be appointed as interim Convener of the Licensing Board until the first meeting of the Board following the next Full Council meeting in September 2018