

MINUTE of MEETING of the WEST LOTHIAN LICENSING BOARD held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 9 NOVEMBER 2018.

Present – Councillors Dom McGuire (Convener), Alison Adamson, David Dodds, Damian Timson

Apologies – Councillors Bruce Fairbairn, Peter Heggie, George Paul

1 DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The Board confirmed the Minute of its meeting held on 12 October 2018 as a correct record. The Minute was thereafter signed by the Convener.

3. APPLICATION FOR VARIATION OF A PREMISES LICENCE - VUE CINEMA, LIVINGSTON DESIGNER OUTLET, LIVINGSTON

Introductions were made by all parties.

The applicant was represented by Mr John Maxwell, General Manager.

Police Scotland was represented by PC Tom White. The Licensing Standards Officer Douglas Frood was also in attendance.

The Clerk referred the Board to the report.

PC Tom White confirmed that Police Scotland had submitted an objection in relation to the timescale being changed from 30 minute checks to regular checks as it considered that checks could be considered regular if there were carried out at the same time over any period of time, however far apart.

Mr Maxwell was given an opportunity to question PC White.

The Board had an opportunity to question PC White.

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

The variation sought was as follows:

- To vary the answers to questions 6(b) (the terms under which children and young persons will be allowed entry), 6(c) the ages of children and young persons allowed entry) and 6(d) (the times during which children and young persons allowed entry) in the operating plan by deleting "Screens are patrolled by team members every 30 minutes during film screenings" where it

appears in the answers to question 6(b) 6(c) and 6(d);

- To vary the answer to question 5(f) in the operating plan (any other activities) by adding the following wording;

“Regular checks through cinema opening will be made of screens by members of staff wearing visual aids, which permit them to see customers in the dark. During these checks, specific attention will be paid to persons who may be consuming alcohol to ensure that they are doing so in a responsible manner; and that no person under the age of 18 is being supplied with alcohol”;

- To vary the description of the premises in the licence by deleting the current description and replacing it with;

“The premises are a cinema complex with 8 screens, there will be associated retail sales of typical cinema snacks such as popcorn, soft drinks, ice cream and assorted confectionary.

The premises form part of the Livingston Designer Outlet and the entrance is situated on the 2nd floor (the premises themselves being over two levels).

The premises may operate on a 24 hour basis particularly during the periods when new release films are showing. However more typical trading hours will be 08.00 hrs to 03.00 hrs. Occasionally the opening times will be later or earlier than above dependant on the length of the films being shown.

The sale of alcohol will predominantly be from the concession areas and a bar within the premises (in the foyer area), however alcohol may be sold throughout the premises within the screens via a trolley system.

Alcohol is sold for consumption on the premises only.

A cinema licence will be in place in respect of the premises in terms of the Cinema Act 195”.

PC White was given an opportunity to put questions to Mr Maxwell.

The Board had an opportunity to question Mr Maxwell.

Mr Maxwell confirmed that he was content to accept the new Children and Young Persons conditions which were appended to the report.

The LSO advised that the issue was with the wording of the variation as this gave a level of flexibility as opposed to set times. However he also advised that there had been no issues with the premises.

Finally, both parties summed up before leaving the room to allow private discussions.

Following discussions all parties returned and the Depute Clerk outlined

the legal advice he had given the Board.

No comments were made by the parties to the legal advice that had been given to the Board.

The Board then made its decision.

Decision

To grant the application for a variation of the premises licence subject to the acceptance of the new Children and Young Persons conditions.

4. GAMBLING POLICY REVIEW

The Depute Clerk advised the Board that at the last meeting it was agreed that a draft copy of the Gambling Policy would be presented for approval.

The Depute Clerk further advised that unfortunately, the draft Gambling Policy was not ready to be presented to the Board for approval at this time, however it would be submitted to the next meeting.

The Depute Clerk was also seeking the approval from the Board to publish a Notice of Intention regarding the new policy as required by legislation.

Decision

1. To note the draft Gambling Policy would be submitted to the next meeting of the Licensing Board for approval.
2. To agree that a Notice of Intention be published.