

MINUTE of MEETING of the WEST LOTHIAN LICENSING BOARD held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 11 JANUARY 2019.

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

Apologies – Councillors Bruce Fairbairn, George Paul

1. DECLARATIONS OF INTEREST

Agenda Item 6 – Application for a Provision Premises Licence, Rabs Bar, 20 Main Street, Deans, Livingston – Councillor Dom McGuire declared an interest in that he was acquainted with the applicants and would leave the meeting during consideration of this items of business.

2. ORDER OF BUSINESS

As the Convener had declared an interest in Agenda Item 6 and would leave the meeting during consideration of this item of business it was noted that a Convener would be required to be appointed by the remaining members.

3. MINUTE

The Board confirmed the Minute of its meeting held on 21 December 2018 as a correct record. The Minute was thereafter signed by the Chair.

4. APPLICATION FOR PREMISES LICENCE - MINERVA FOOD BAR, 6 KINGSPOOT AVENUE, LIVINGSTON

Introductions were made by all parties.

The applicant Mr Franco Cortellessa was in attendance and was represented by Mr Jim Carlin, Sneddon Morrison Solicitors.

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

The Depute Clerk referred the Board to the report on the application for a Premises Licence. The Clerk advised that there had been an objection to the application. The objector was not in attendance at the meeting.

The Depute Clerk provided legal advice to the Board regarding the contents of the objection.

Mr Carlin, PC White and Douglas Frood confirmed they had no comment to make with regard to the legal advice

The Board agreed to consider the case in the absence of the objector.

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

PC White confirmed Police Scotland had no objection to the application

Douglas Froom, LSO confirmed he had no adverse comments to make regarding the application however did highlight the section of the Board's policy with regard to the delivery of alcohol.

Mr Carlin confirmed the applicant was aware of and adhered to the policy with regard to alcohol delivery.

Councillor Heggie advised that during a site visit he noted that members of the public had no direct access to alcohol. He also raised a query about the applicant's personal licence and whether his refresher training was up to date.

Mr Carlin confirmed that the applicant was aware of the need to attend refresher training and this was being addressed.

### Decision

To grant the application for a Premises Licence.

#### 5. APPLICATION FOR A PROVISIONAL PREMISES LICENCE - RABS BAR, 20 MAIN STREET, DEANS, LIVINGSTON

The Convener Councillor McGuire having previously declared an interest left the meeting before consideration of this item of business.

Councillor Timson nominated Councillor Heggie to act as Convener for this item of business.

Councillor Dodds seconded the nomination and it was agreed accordingly.

The applicants Mr Haggerty and Mr McGaughay were in attendance and were represented by Mr Jim Carlin, Sneddon Morrison Solicitor.

Police Scotland was represented by PC Tom White.

Douglas Froom, Licensing Standards Officer was also in attendance.

The Clerk referred the Board to the report on the application for a Provisional Premises Licence.

The Board heard Mr Carlin speak in support of the application for a Provisional Premises Licence. Mr Carlin confirmed the applicants accepted the Board's current conditions with regard to Children and Young Persons.

PC White confirmed Police Scotland had no objections to the application.

Douglas Froom, LSO confirmed he had no adverse comments to make to the application however commented on the wording of the Children and Young Persons' arrangements in the proposed operating plan for the

premises at Question 6(d) and highlighted the mandatory condition on all premises licences regarding baby changing facilities.

Mr Carlin acknowledged that part of the information provided at Question 6(d) regarding the terms of entry for children and young persons should have been detailed in question 6(b). The applicants noted the LSO's comments regarding the mandatory condition about baby changing facilities and confirmed that there were three different toilet facilities.

Councillor Heggie advised that a site visit had taken place with Councillors Dodds and Adamson.

The Board then asked a number of questions.

The Deputy Clerk then provided legal advice to the Board.

Mr Carlin, PC White and Douglas Frood had no comment to make with regard to the legal advice provided.

Decision

To grant the application for a Provisional Premises Licence subject to the Board's current Children and Young Persons' Conditions.

6. APPLICATION FOR VARIATION OF A PREMISES LICENCE - GREEN TREE TAVERN, 3-5 MAIN STREET, BATHGATE

The applicant Mr William Meldrum was in attendance and unrepresented. He confirmed he was content to proceed without representation.

Police Scotland was represented by PC Tom White.

Douglas Frood, Licensing Standards Officer was also in attendance.

The Deputy Clerk referred the Board to the report.

The Board heard PC White speak to the objection submitted by Police Scotland.

The Board heard Mr Meldrum speak in support of Variation of Premises Licence application.

The variation sought was as follows;

- To vary the licensed opening hour for the sale of alcohol to customers for consumption on the premises on Sundays from half past midday to 11am;
- To vary the licensed opening hour for sale of alcohol to customers for consumption off the premises on Sundays from half past midday to 11am;
- To vary question 4 in the operating plan (seasonal variations) to

include details of a proposed extension of hours of operation on the following days:- Christmas Eve (until 2am), Christmas Day (until 2am), Hogmanay (until 2am) and Bathgate Gala Day (from 10am).

- To vary question 5 in the operating plan to remove Receptions and Club/Group meetings etc outwith core licensed hours;
- To vary question 5 in the operating plan to include live performances during core licensed hours;
- To vary question 6(b) in the operating plan regarding the terms under which children and young persons will be allowed entry to the premises to provide for the following terms - "Children to be allowed in for televised football games and also while waiting for supporters buses, and for Bathgate Gala day. Children must be accompanied by an adult at all times" to replace the current terms – "Allowed in for televised football provided accompanied by an adult";
- To vary question 6(c) in the operating plan regarding the ages of children or young persons allowed entry to the premises to allow entry for 5 – 17 year olds, currently the operating plan only permits children over 14 to be allowed entry to the premises;
- To vary question 7 in the operating plan from 73 to 126 persons as shown on the proposed new layout plan; and
- To replace the current layout plan with the proposed new layout plan.

Following advice by the Depute Clerk to the Board with regard to the Board's Festive hours policy the applicant withdrew the part of his application to vary question 4 of the operation plan (seasonal variations) with regard to an extension of hours over the festive period.

Given Mr Meldrum's submission regarding the application the Licensing Standards Officer, Douglas Frood, noted that it appeared that Mr Meldrum was not seeking to sell alcohol from 10am on Bathgate Gala day but simply wanted to serve teas and coffees. Mr Meldrum then withdrew the part of his application to vary question 4 of the operating plan with regard to extended hours on Bathgate Gala Day.

The Board then had an opportunity to question all parties.

The Depute Clerk provided the Board with legal advice

Police Scotland had no comment to make to the legal advice provided to the Board.

Mr Meldrum had no comment to make on the legal advice.

Police Scotland and Mr Meldrum had an opportunity to sum up before leaving the room to allow the Board to have private discussions.

Following the private session all parties returned.

Mr Meldrum agreed to accept the substitution of the current Children and Young Persons conditions for the old style conditions currently attached to the licence.

### Decision

To grant the variation of the premises licence subject to the substitution of the current Children and Young Persons conditions for the old style children's conditions on the licence and with the exception of the following:-

Refused by the Board - to vary question 6(b) in the operating plan regarding the terms under which children and young persons will be allowed entry to the premises to provide for the following terms - "Children to be allowed in for televised football games and also while waiting for supporters buses, and for Bathgate Gala day. Children must be accompanied by an adult at all times" to replace the current terms - "Allowed in for televised football provided accompanied by an adult".

Refused by the Board - to vary question 6(c) in the operating plan regarding the ages of children or young persons allowed entry for 5 -17 year olds, currently the operating plan only permits children over 14 to be allowed entry to the premises.

The Board noted that the applicant had withdrawn the variation as follows - to vary question 4 in the operating plan seasonal variations to include details of the proposed extension of hours of operation on the following days:- Christmas Eve (until 2am), Christmas Day (until 2am), Hogmanay (until 2am), and Bathgate Gala day (from 10.00am).

## 7. REVIEW OF PREMISES LICENCE - STRATHBROCK BAR, 56-58 EAST MAIN STREET, BROXBURN

The Depute Clerk referred the Board to the report advising that the licence holder had failed to pay the annual fee which was a mandatory condition of licence.

The Board noted that the licence holder or a representative of the licence holder was not in attendance at the meeting and agreed to proceed in the licence holder's absence.

The Board then heard Douglas Froom, Licensing Standards Officer speak in relation to the request for a review of the licence and the grounds applicable to review a licence.

The Board then had an opportunity to question the Licensing Standards Officer.

### Decision

1. The Board found that grounds to review the licence was established and in the circumstances agreed to;
2. Suspend the premises licence until the annual fee was paid and acknowledged in writing to the licence holder by the Clerk to the Licensing Board;
3. To delegate authority to the Clerk to the Licensing Board to recall that suspension in the event the annual fee was paid and acknowledged; and
4. To issue a written warning